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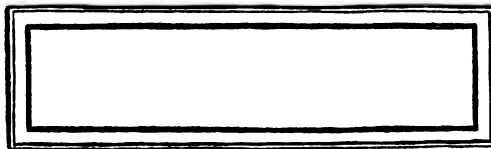


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ELECTION LAWS OF INDIANA

In Force September 1, 1914

**With Instructions to Voters
and Election Officers**

AND

**Interpretation of the Registration Law and the
Federal and State Corrupt Practices Acts**

Compiled under the Authority of the
STATE BOARD OF ELECTION COMMISSIONERS
by
WILLIAM W. SPENCER and THOMAS A. DAILY
OF THE INDIANAPOLIS BAR

INDIANAPOLIS

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MICHIGAN

WHEREAS, The State Board of Election Commissioners of the State of Indiana, in September, 1912, published the election laws of the State of Indiana, with instructions to voters and election officers, concurred in by the then chairman of the Democratic and Republican State Central Committees; and

WHEREAS, There have been certain amendments and new statutes upon the subject, especially the Registration Act and Corrupt Practices Act enacted by the General Assembly of the State in the session of 1913; and

WHEREAS, A revision of the existing statutes relating to primaries and elections, together with an interpretation of the Registration Act and Corrupt Practices Act and general instructions to the voters and election and registration officers, has been prepared by William W. Spencer and Thomas A. Daily;

Now, therefore, the undersigned State Board of Election Commissioners hereby issues this pamphlet containing such revision of the election laws of Indiana with instructions to voters and election officers and an interpretation of the Registration Act and Corrupt Practices Act.

State Board of Election Commissioners for 1914.

SAMUEL M. RALSTON, President.

JOHN E. HOLLETT.

HENRY CLAY ALLEN.

ED. D. DONNELL, Clerk.

We concur in and agree to abide by such printed and distributed revision of the election laws of Indiana, with instructions to voters and election officers, and interpretation of the Registration Act and Corrupt Practices Act.

BERNARD KORBLY,

Chairman of Democratic State Central Committee.

EDWARD C. TONER,

Chairman of Progressive State Central Committee.

WILL H. HAYS,

Chairman of Republican State Central Committee.

September 1, 1914.

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INSTRUCTIONS TO VOTERS AND ELECTION OFFICERS

WHERE ELECTIONS MUST BE HELD.

An election must be held at the place designated by the Board of County Commissioners unless from absolutely unavoidable circumstances it can not be done. If it can not be held at the place so designated, then the Election Board should meet at, or as nearly as possible, at the place so designated and there organize as a Board and then adjourn to a place available and nearest to the one so designated, not, however, outside of the precinct. In such an instance care should be taken to see that no voter loses his vote by not finding the new voting place; and, if necessary, some person should be stationed at the place so designated by the Board of County Commissioners to notify the voters of the change and where the actual voting place is situated.

BALLOT BOXES.

The Board of County Commissioners of each county must provide, at the expense of the county, five ballot boxes—one painted red, for the reception of the State ballots; one painted white, for the reception of the local ballots (Sec. 68), one painted yellow, for the reception of the township ballots (Sec. 175), one painted blue, for the reception of the Centennial Celebration ballots, and one painted green, for the reception of the Constitutional Convention ballots. The Board of County Commissioners must deliver all the ballot boxes and all the election paraphernalia, except the ballots, at the places where the election is to be held, prior to the day of the election.

CHUTES.

The chute should be so constructed that it will not obstruct passage along the highway or street. Persons within fifty feet for manifestly lawful and necessary purposes should not be molested. This is also true of persons passing within that distance of the chute. (Sec. 107 and 108.)

PASTER BALLOTS.

The law permits the use of complete pasters, by which is meant a complete ticket pasted on the ballot by the voter, without the knowledge of the Election Board. If such a ballot be found in the box, the Election Board must carefully examine the law, and if it does not comply with its provisions, it is void and should not be counted. (Sec. 113.)

WATCHERS.

Each of the four political parties that cast the largest vote at the last State election, and which has a place on any of the official ballots, is entitled to one watcher at each precinct, at the canvass of the vote. Each watcher must present to the Election Board, before he enters the election room, credentials signed by the township or county chairman of the party which he represents, showing him to be the duly authorized watcher for his party. The only parties entitled to have watchers at the count are the Democratic, Progressive, Republican and Socialist parties. No person other than the Inspector, Judges, Poll Clerks, Election Sheriffs and Watchers can be permitted in the election room during the canvass of the votes (Sec. 119). No watchers can be present during the voting.

SAMPLE BALLOTS.

The sample State and local poster ballots should be printed in large type, each on a sheet of paper about 25 by 38 inches in size.

The sample State Ballots will be prepared and furnished by the State Board of Election Commissioners, and three will be enclosed in each package of State ballots. They will be printed on yellow paper, and will have thereon the words, "Sample Ballot. Genuine State Ballot is on red paper."

The sample Local Ballot should be prepared by the County Board of Election Commissioners, and three enclosed in each package of local ballots. They should be printed on blue paper, and have thereon the words, "Sample Ballot. Genuine Local Ballot is on white paper."

The sample Township Ballot should be prepared by the County Board of Election Commissioners, and three enclosed in the package of township ballots for each precinct of the township for which the sample ticket is printed. They should be printed on brown paper, and have thereon the words, "Sample Ballot. Genuine Township Ballot is on yellow paper."

The Sample Constitutional Convention Ballot should be prepared by the County Board of Election Commissioners, and three enclosed in each package of Constitutional Convention ballots. They should be printed on green paper, and have thereon the words, "Sample Ballot. Genuine Constitutional Convention ballot is on white paper."

The sample Centennial Celebration ballot should be prepared by the County Board of Election Commissioners, and three enclosed in the package of Centennial Celebration ballots for each precinct of the Township for which the sample ticket is printed. They should be printed on red paper, and have thereon the words, "Sample ballot. Genuine Centennial Celebration ballot is on blue paper."

Three of each kind of these samples ballots must be posted by the Election Inspector in and about his polling place. (Sec. 102.)

If deemed desirable by committees of political parties, or by candidates, for the purpose of instructing voters, sample ballots, conforming to the description given above, may be printed, of any size, on yellow, blue, brown, green and red paper, respectively, and posted up or circulated by them at any time during the political canvass.

CANDIDATES FOR COUNTY COUNCIL.

The County Board of Election Commissioners must print on local (county) ballots for the precincts of the first councilmanic district, the names of the candidates for councilmen-at-large, and also the names of the candidates for county councilmen for that district. In like manner the local (county) ballots must be printed for each precinct of the other councilmanic districts.

Eleventh. If you are unable to vote by machine on account of physical disability or inability to read English, and make an affidavit to that effect, you will be instructed or assisted by the Polling Clerks, as in the case of voting by ballot. If you request it, you will, upon being registered by the Polling Clerks, be instructed by them as to the manner of voting by machine. You can not remain in the voting machine booth more than one minute; and no person can be in or near the machine when a voter is in the voting machine booth unless it is the Polling Clerks while instructing or assisting the voter.

[If the foregoing instructions to voters are printed on cards and posted up at the polls, it will be a sufficient compliance with the provisions of the statute requiring instructions to be posted up at such places. Add, however, in full, at the foot of such cards the original Sections 43, 50, 55, 56, 59 and 60 of the election law of March 6, 1889, being Sections 99, 106, 111, 112, 115, 116 of this compilation.]

VOTING BY MACHINE.

1. The election officers in precincts where voting is done by machines will be the same as in voting by ballot.
2. All laws relating to the secrecy of the ballot and the number of persons permitted in the room apply as well to machine voting as in voting by ballot. No voter can be permitted to remain in the voting booth more than one minute. (Sec. 300.)
3. When the voter enters the election room he must announce his name to the Polling Clerks, who must register it in the same manner as when voting by ballot.
4. The laws as to qualifications of voters, and as to challengers are the same in case of machine voting as in voting by ballot.

INSTRUCTIONS TO VOTERS USING VOTING MACHINES.

1. Voters who are unable to vote by machine on account of physical disability or inability to read English, and who make an affidavit to that effect, must be instructed or assisted by the Polling Clerks, as in the case of voting by ballot.
2. If the voter requests it, he must, upon being registered by the Polling Clerks, be instructed by them as to the manner of voting by the machine.

3. All machines will be so constructed that the voter can vote either a straight or mixed ticket.

4. Instruction must be given at each voting place as to the manner of voting by machine; no fixed rule can be laid down, because it is not known what kind of machine will be used in a precinct.

5. After the voter has voted, the Inspector or one of the Judges will announce to the Polling Clerks that such voter has voted, and the clerks will write the word "voted" opposite the name of such voter, in the same manner as when voting by ballot.

CAUTION.

As voting by machine is an experiment, it would be wise for the Inspector to provide the necessary ballots and ballot boxes; so that in case of the machine failing to work, at any time, the election can proceed thereafter in the usual way of voting by ballot. (Sec. 320.)

INSPECTORS.

An Inspector must have been a freeholder and a resident householder of his precinct for one year, or a resident householder for two years immediately preceding the day of election. If no person qualified to act will consent to serve as Inspector, or if there be no person residing in the precinct qualified to act as Inspector by reason of the fact that he has not been a resident householder within the precinct for two years, or a freeholder and householder for the year next preceding the election, then any qualified voter of the precinct may be appointed. (Secs. 61, 62 and 65.)

An Inspector must not have anything bet or wagered on the election, nor be a father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, or first or second cousin of any candidate at the election.

Not more than three nor less than two days before the day of election, the Inspector, or the Judge authorized by him, must call at the County Clerk's office and get the ballots for his precinct. (Secs. 100, 103, 104.) Before going he should inform himself, if he can, if the number of voters in his precinct has increased fifty per cent. since the last presidential election. He will receive ten ballots for each five

voters in his precinct—ten local (county) and ten township ballots—each kind of which must be counted, wrapped in separate packages and sealed in his presence. He will also receive a sealed package containing the State ballots, for his precinct, three blue pencils, the cards provided by the County Board of Election Commissioners with printed instructions for voters, and three sample ballots of each kind of ballots. All these he must carefully guard and preserve. (Secs. 100, 102.) If, by accident, they be lost or destroyed, he must report at once to the County Board of Election Commissioners, at the County Clerk's office, and obtain a new supply. (Secs. 96, 105.)

At the time the election supplies are received by the Inspector he shall also receive from the Auditor the registration books, applications and affidavits returned by the Registration Board of his precinct. These he shall have present at the election precinct on the day of the election, and within three days thereafter he shall return them to the Auditor. (Sec. 45.)

The Inspector acts as Chairman of his Election Board, and must announce the opening and closing of the polls. His duties as a member of such board are set forth hereinafter under the head of "Election Board."

Meals.—The Inspector should see that the Election Board of his precinct are furnished with good, plain and substantial meals, at the regular hours for meals, during the election day and until the count is finished; but no spirituous, vinous or fermented liquors shall be furnished. Those entitled to receive these meals are the Inspector, two Judges, two Poll Clerks, and two Election Sheriffs, and no others. The Inspector should also see that the election room is comfortable, such as furnishing fuel, light, chairs, table and a stove. (Sec. 142.)

APPOINTING JUDGES.

Before opening the polls the Inspector must appoint two Judges, one from the Progressive and the other from the Democratic party. (Sec. 62.) The Chairmen of the Progressive and Democratic County Committees have the right to name these Judges, but must do so at least one week before the election. (Sec. 61.) If a member of the Election Board fail to appear at the hour for opening the polls, the

remainder of the Board must select a member from his political party to serve in his stead. The qualified voters of his party present at the polls may nominate a qualified person for the vacancy, and he must be appointed. If no member of the election Board appear at the hour appointed for opening the polls, the qualified voters present must elect a Board viva voce as nearly as possible in conformity with the requirements above stated. (Sec. 62.)

ELECTION JUDGES.

Election Judges have no duties except as members of the Election Board. They must be qualified voters of the precinct and have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding the day of election, and be members of different political parties and of the parties which cast the highest number of votes in the State at the last State election. If no persons who are qualified will consent to serve as such Judges, or if there are no persons residing in the precinct qualified to act as Judges by reason of the fact that they have not been resident householders within the precinct for two years, then, in that case, any two electors of the precinct may be appointed as such Judges. (Sec. 61.)

ELECTION BOARDS.

The Election Board is composed of the Inspector and the two Judges representing the two leading political parties. No person except these three have any voice in determining any question arising for the Board's decision. (Secs. 61 and 62.)

NOMINATION OF POLL CLERKS. The first duty of an Election Board is the appointment of Poll Clerks, who must be qualified electors of the precinct and representatives of the two leading parties. If nominations have been made by the chairman of these two parties, such nominees must be appointed. (Sec. 63.)

OATH OF OFFICE. The next duty is taking the oath of office in accordance with Sections 65 and 66. The law requires the Inspector and Judges to be qualified on the morning of the election. If no person is present at the poll-

ing place authorized to administer oaths, the Inspector administers the oath to the two Judges and then one of the Judges administers the oath to the Inspector. The Inspector administers the oath to the Polling Clerks. (Sec. 67.) The Inspector then reads to the Judges Sections 57 and 58 of the election law, and each member of the Election Board then takes an oath as provided in said sections. (Secs. 124 and 125.)

PROVIDING BALLOTS AND FURNITURE. In case, for any reason, the ballots or any necessary furniture for the election be not on hand at the opening of the polls, the Board must supply them as speedily as possible. Ballots should be obtained from the person who was entrusted to bring them to the polling places, if possible; if not, then at the County Clerk's office; and if that be impracticable, the Board must have them printed. (Sec. 105.)

OPENING BALLOT PACKAGES. After the organization of the Board the ballot packages must be opened by the Inspector in the presence of the Board without breaking the seals, in other words, cut the strings and leave the seals on them. (Sec. 101.) The seals must be preserved and returned with the protested, disputed, defective and uncounted ballots. (Sec. 119.) The Inspector then delivers twenty-five of each of the different kinds of ballots to the Poll Clerk of the party opposing his own, and the pencils to the other Clerk, who has charge of the same. As soon as a ballot has been delivered by the Poll Clerk to a voter the Inspector must deliver another ballot to the Poll Clerks, who must at once sign it with their initials and place it at the bottom of those already signed, so that at all times the Poll Clerk shall have twenty-five of each of the different kinds of ballots before him. (Sec. 101.)

BALLOT BOXES. The ballot boxes must be opened, examined and then closed and locked before announcing that the polls are open. One key must be retained by the Inspector and the other key given to the Judge of the opposite politics of the Inspector. (Sec. 69.)

OPENING THE POLLS. When these duties have been performed and the Poll Clerks have marked their initials on the lower left-hand corner of the back of twenty-five of each

of the different kinds of ballots, the Inspector must then announce that the polls are open. No ballot can be received before this announcement is made. (Sec. 78.)

POLLS OPEN AT 6 A. M. SHARP. The failure of the Poll Clerks to have their initials marked on the full number of twenty-five ballots shall not delay the opening of the polls. The law says the election shall be opened at 6 o'clock a. m. (Sec. 70), and this provision is mandatory. As soon as the clerks have any ballots at all marked properly with their initials, the polls shall be opened, and the full quota of twenty-five ballots shall be marked ahead as quickly as possible without delaying the vote.

POLLS OPEN CONTINUOUSLY. The polls must be kept open continuously from 6 a. m. to 6 p. m., unless after 4 p. m. when there has been no vote tendered for fifteen minutes, the Board may, by unanimous consent of all its member, close the polls. (Sec. 70.) After the polls open at an election, the Board can not adjourn temporarily, nor take any recess, until the polls have been regularly closed, all the votes counted, the returns made out, and the result publicly announced. The meals should be served the Board in the election room, and the polls kept open so that no delay shall be had in voting. (Sec. 142.)

RIGHT OF ELECTION BOARD TO CHALLENGE. The right of any person offering to vote may be challenged by either challenger present, by any member of the Election Board, or by any voter of the precinct. (Sec. 108.)

INTERPRETER. If any member of the Board request it, an interpreter may be called to aid in instructing a voter, but the interpreter has no right to mark the ticket or see it marked. (Sec. 112.)

BALLOTING. The Board has general supervision of the balloting and should not permit any violation of the law in its presence without the immediate arrest of the offender. No ballot may be put in the box by the Inspector if the manner in which it has been marked has been shown to any person, or if it has been mutilated, or defaced, or any distinguishing mark put on it, or if the initials of the Poll Clerks do not appear on it. (Sec. 116.)

CLOSING POLLS. No voter can enter the election room after the polls are closed, but any voter in the room at the time of closing may tender his vote and it must be received. The Inspector must make proclamation of the closing of the polls, and a minute of the time must be entered by the Poll Clerks on the tally papers. (Sec. 70.)

POLL CLERKS.

Poll Clerks must be qualified voters of the precinct and taken from the two leading parties. They may be nominated by the respective County Committees four days prior to the election. (Sec. 63.) But if not, they must be selected and appointed by the Board of Election, one from each of the two leading parties. (Sec. 63.)

OATH OF OFFICE. The first duty of the Poll Clerks is to take the oath of office. (Sec. 67.)

PASTERS. On receiving ballots from the Inspectors the Poll Clerks must place all necessary pasters on them in their proper places, when a candidate has been properly named to fill a vacancy occasioned by the death, removal or resignation of any candidate after the tickets have been printed. (Sec. 94.)

INITIALS. The Poll Clerks must place their initials in their ordinary handwriting, in ink, on the lower left-hand corner of the back of each ballot immediately upon receiving the ballots from the Inspector. (Sec. 101.) This must be done without any distinguishing marks. Twenty-five ballots of each kind must be kept ready for delivery to the voters, and the one first signed must be delivered first. (Sec. 101.) Placing a mark on a ballot by which it may afterwards be known is a penal offense. (Secs. 127 and 128.)

THE VOTER AND POLL CLERKS. On entering the election room the voter announces his name to the Poll Clerks. The Board shall cause the registration books for such precinct to be examined, and if the voter is properly registered the Poll Clerks shall at once enter his name upon their register. Then they furnish him with one of each kind of ballots and a blue pencil, and on request, explain to him the manner of voting. This explanation must be made in the presence of the whole Board. If deemed necessary by

any member of the Board an interpreter may be called. (Sec. 112.) The voter, after marking and properly folding his ballots in the booth, must return the pencil to the Poll Clerk from whom he received it and deliver the ballots to the Inspector. In no event can he be allowed to remain in the booth more than five minutes. When his ballot is deposited in the ballot box, the Poll Clerks must write the word "voted" after his name on the poll lists. (Sec. 112.) If the elector make an affidavit that, on account of physical disability or inability to read English, he can not mark his ballot, the Poll Clerks must do so for him in the presence of each other and in his presence, and, on request, must read over to him the names of the candidates as marked. It is a felony for a Poll Clerk to deceive any elector in selecting or marking his ballot. (Sec. 115.) If the voter accidentally or by mistake spoil, mutilate or deface his ballot, the Poll Clerks must give him another and have him destroy the first in the presence of the Board, and they must make a minute of the facts on the poll lists at the time. (Sec. 114.) If the voter disclose how he has marked his ballot it must be rejected, and the Poll Clerks must make a minute of that fact on the poll lists. (Sec. 112.)

ELECTION SHERIFFS.

The Sheriff must appoint two special deputies as Election Sheriffs for each precinct; one from each of the two leading political parties. The chairman of each of such political parties may, five days prior to the election, designate an Election Sheriff for each precinct, and if the person so appointed fail to appear the member or members of the Election Board of his political party must appoint a person to act in his place. (Sec. 79.)

ATTENDANCE. The Election Sheriffs must be at the polls when they open and remain until the count is concluded. (Sec. 79.) During the canvass of the vote the Sheriffs should remain in the election room with the Election Board. They may go in and out of the election room, when they wish, or as the occasion may require.

ARREST. They must make arrests on the demand of any member of the Board (Sec. 79), and also on affidavit

made before the Inspector by any qualified voter that any person who has voted is not a legal voter. Persons thus arrested by Election Sheriffs should be promptly delivered by them to the nearest magistrate or court, where their cases may be speedily heard, and, if their offense be bailable, bond may be given. (Sec. 109.) In general, the Sheriffs must follow the direction of the Election Board.

VOTER AND SHERIFFS. It is the duty of the Election Sheriffs to see that no more than three voters are permitted in the election room at the same time, and that all other persons are kept away for a distance of fifty feet. They should also assist infirm or decrepit voters going through the chute to and from the election room. (Sec. 108.)

CHALLENGERS AND POLL-BOOK HOLDERS.

One challenger and one poll-book holder, appointed in writing by the local chairman of each party organization, are entitled to stand at the sides of the chute next the challenge window. (Secs. 79 and 108.)

CAUSES FOR CHALLENGE. The following are causes for challenge: Bribery (Sec. 12), buying, or offering to buy votes, advising bribery, advising buying votes, selling one's vote or offering to sell one's vote, not having been a resident of the United States for one year or of the State six months or of the township sixty days, or of the precinct thirty days immediately preceding the day of election, or being of foreign birth and not having been naturalized, or not having taken out first papers, or being less than twenty-one years of age, or not having duly registered. (Sec. 46.) It is also a good cause for challenge that the voter has been disfranchised by a court of this State for a period of time covering the day of election. (Secs. 14 and 54.)

MODE OF CHALLENGING. When a person is challenged he must stand aside, and can not vote unless he makes an affidavit that he is a legal voter. If he makes such an affidavit, he is entitled to vote, unless the challenger or some other person make an affidavit that he is not a legal voter. This affidavit may be made on information or belief, but if so, the person or persons who furnished the in-

formation must be named in the affidavit. The voter must then bring a qualified voter of the precinct as a witness, who must swear that of his own knowledge the claimant is a legal voter. Any false statement in any of the affidavits constitutes the crime of perjury. (Sec. 110.) The voter making the last affidavit must have been a freeholder and resident householder in the precinct for at least one year, or a resident householder for two years, next preceding the day of election, unless the person offering to vote shall make an affidavit that there is no person of his political party residing in the precinct who has been a freeholder and householder in the precinct for one year or a householder for two years, in which case the affidavit may be made by any qualified voter. (Sec. 108.)

In addition to the above grounds of challenge, it shall be a ground of challenge that the person offering to vote is not registered. The person so challenged, shall not be permitted to vote until he make and present an affidavit that he is registered under the name under which he intends to vote. Thereupon the election officers shall inspect the application for registration, and if they believe that the affidavit of such person is false shall order his arrest at once: Provided, That no person shall be allowed by the officers to vote at the election whose name is not registered, even though there be no challenge on that ground. (Sec. 46.)

CANVASSING VOTE.

ORDER OF CANVASSING BALLOTS. The Election Board must then proceed to canvass the ballots; first the State, second the county, third the township (Sec. 119), fourth the Constitutional Convention and fifth the Centennial Celebration ballots.

BALLOTS, HOW CANVASSED. The Election Boards must in canvassing the votes begin first with the State ballots and complete them before proceeding with the other ballots, by laying each ballot upon the table in the order in which it is taken from the ballot box; and the Inspector and the Judge of Election differing in politics from the Inspector must view the ballots as the names of the persons voted for are read therefrom. If any ballot be found mutilated, defaced or marked so that it can be identified, it must

not be counted (Sec. 119); but the Board should not adhere to such a severe construction of the laws as will deprive innocent or honest voters of their rights. In determining the intention of the voter a careful but common-sense discretion should be exercised. Instances may arise where finger marks from a greasy or soiled hand may, unintentionally, have been left upon a ballot. In such an instance, if the Board is convinced, after a careful examination, that the marks were accidentally and not intentionally or corruptly made, the ballot should be counted. If the initials of the Poll Clerks be on the ballot but not on the lower left-hand corner, and this appears clearly to have been an honest and unintentional mistake of the Poll Clerks, the ballot should be counted. No ballot can be counted, however, if the intention of the voter is not indicated by the blue pencil mark and in the exact manner required by the statute, which provides that the cross must be on or touch the circle or the square. (Sec. 119.)

All ballots voted and not voted, together with all protested, disputed or uncounted ballots, must be preserved and returned to the County Clerk's office in the proper packages. (Sec. 119.)

BALLOT, WHERE THERE ARE SEVERAL CANDIDATES FOR SAME OFFICE. In case there are two or more persons to be elected to the same office, as in the case of Senators and Representatives in the Legislature, Judges of the Superior Court, Justices of the Peace, etc., if the names of one or more, but less than all, of such persons for a particular office are marked on one or more of the tickets, the ballot must be counted for the persons whose names are so marked; but if in such case the names of more persons than are to be elected to the particular office are marked on any ballot, such ballot can not be counted for any person for that office, for the reason that it can not be determined which of the right number to be elected were intended to be voted for, but the ballot is valid and must be counted for the candidates for other offices as to whom it is properly marked. (Sec. 119.)

BALLOT IN WRONG BOX. If the Inspector, by mistake or intention, deposit genuine ballots in the wrong box, putting State ballots in the local box, or local ballots in the

State box, such ballots must be counted. (See 130 Ind. 561.)

CLOSE OF COUNT. The Board, after canvassing the ballots, must record the results on the tally sheets, and make out three certificates of the number of votes for each candidate, over the signature of all the members of the Board, and deliver one of them to each member of the Board. (Sec. 119.)

All ballots, voted and not voted, together with all disputed, protested, uncounted and defective ballots, must be preserved and returned to the County Clerk's office, in the sealed bags. Before putting such ballots in the bag, one of the Poll Clerks must endorse upon the back of each disputed, defective, uncounted or protested ballot the word "counted" or "not counted," or if counted in part, for whom counted, as the case may be, which statement must be signed by both of the Clerks. (Sec. 119.)

PROTESTED BALLOTS. At the close of the canvass the Poll Clerks must make memoranda on the tally sheets of the protested, uncounted, disputed and defective ballots. It is intended by the law that there should be a separate memorandum for each ballot, specifying the objections to it. It will, therefore, be necessary to number the protested, uncounted, disputed and defective ballots so that the objections may be referred to the proper ones by number. (Sec. 119.)

A paper sack is provided in which the seals of the ballot packages, and all the disputed, protested, uncounted and defective ballots must be placed; and this bag, after sealing, must be delivered to the County Clerk. (Sec. 119.)

EFFECT OF PROTEST. A protest does not, in any sense, mean that the ballot shall not be counted. It must be counted, notwithstanding the protest, if a majority of the Board so decide, and the only persons to decide are the Inspector and the two Judges. If a ballot is counted over the protest of a member of the Election Board, it must be preserved. (Sec. 119.)

PROHIBITED ACTS. It is punishable by fine and imprisonment for any election officer to electioneer (Sec. 127); to mark in an unauthorized way any ticket, or endeavor to

ascertain how it is marked; to permit any ballots to be taken away (Sec. 98); or permit any ballot packages to be opened, or ballots removed or destroyed (Sec. 121); to disclose how any voter has voted (Sec. 127); to mark or mutilate any ballot; or neglect to perform any duty, or in any way violate the election laws (Sec. 128.)

It is punishable with fine and imprisonment for any person to remove any ballot or blue pencil from the election room, or even to have a genuine ballot in his possession (Secs. 99 and 117); to counterfeit (Sec. 120) or tamper with the ballots (Sec. 121); to remove or destroy any election supplies or conveniences (Sec. 126); to wrongfully enter the election room (Sec. 122); or to induce or attempt to induce any elector to put any unauthorized mark on or mutilate his ballot (Sec. 123); or induce or attempt to induce any election officer to violate his duty. (Sec. 125.)

CUSTODIAN OF PAPERS.

At the close of the canvass the Inspector must take charge of the sealed bag containing all affidavits made; of the second bag containing all voted ballots; of the third bag containing all unvoted ballots; of the fourth bag containing the protested, uncounted, disputed or defective ballots with the seals of the ballot packages; of the fifth bag containing the list of voters kept by the Poll Clerks, the oaths of office taken by the election officers, and one of each of the tally papers. For further particulars how these packages must be sealed and where they are to be delivered, see under the head of "Disposition of Papers."

DISPOSITION OF PAPERS.

The various papers and documents used by the Board must be disposed of as follows:

(a) The count being completed, the Board must place in a paper bag or envelope, to be furnished for that purpose, all affidavits made and taken during the progress of the election, which bag or envelope must be securely sealed by the Board. Each member of the Board (Inspector and two Judges) must indorse his name on the back of such bag or envelope, which must be delivered at once to the County Clerk by the Inspector. (Sec. 135.)

(b) All ballots, voted and not voted, and all protested, uncounted, disputed or defective ballots preserved must be put in separate bags furnished for that purpose, together with the seals of the ballot packages, in the same condition as they were when the packages were opened at the beginning of the election. The Inspector must seal said bags with wax and indorse thereon the number of ballots therein, and the condition of the seals of the ballot packages, with the name of the township and precinct or ward and precinct, and he must deliver it, at the earliest possible period, to the County Clerk. (Sec. 119.)

(c) In another bag must be placed one of the lists of voters kept by the Poll Clerks, and one of each kind of tally sheets, and the oaths of office taken and subscribed by the election officers prior to the opening of the polls. This bag must be tightly closed and sealed with wax by the Inspector in the presence of the Judges, and the Inspector must deliver it to the County Clerk at once, and make the affidavit required by Section 4713, R. S. 1881; R. S. 1901, Sec. 6268; R. S. 1908 and 1914, Sec. 6954. (Sec. 144.)

(d) The certificate of the result of the election, with the remaining sheets and poll list, must be delivered at once by the Inspector to the County Board of Canvassers at the County Clerk's office, to be used in the general canvass of the votes. In no event should the Inspector or Judge, who has been selected as custodian of these papers, part with their possession or permit them to be changed, handled or mutilated. (Sec. 145.)

BOARD OF CANVASSERS.

VOTES FOR ALL OFFICERS OTHER THAN TOWNSHIP OFFICERS—WHEN, WHERE AND HOW CANVASSED. The votes for all officers, other than Township officers, are canvassed by the County Board of Election Commissioners, which for that purpose is constituted a Board of Canvassers; the Board meeting for that purpose in the Circuit Court Room in the Court House at six o'clock p. m. upon the day of election. The Board of Canvassers receive the election returns from the County Clerk, to whom they must be delivered by the Inspector immediately after the polls are closed on the day of election. The Board proceeds to canvass the vote, comparing the cer-

tificates, poll books and tally papers, and aggregating the vote, and declares and certifies the result. If two or more persons shall have the highest and an equal number of votes for a single office to be filed by the voters of the county, the Board declares that no person is elected to fill the office and certifies to that effect. The Board must declare the person having the highest number of votes for any office to be filled by the voters of a single county duly elected to said office, and certify the same. No tally papers, poll books or certificate returned by any election board can be rejected for want of form if it can be satisfactorily understood, and in no case can the Board of Canvassers reject the returns from any precinct if they are certified by the Board of Election of the precinct, as required by law, and presented by the Inspector or one of the Judges of the Board. The acts of the Board of Canvassers are ministerial; the canvass must be made from the face of the tally papers, poll books and certificates made by the Inspectors, Judges and Clerks, but it is now permitted to hear testimony and compel the attendance of witnesses to answer under oath touching any questions which may properly come before the Board. The Sheriff of the county must certify all process and obey all orders of the Board, and shall during the canvass supply a deputy who shall remain in attendance upon the Board, and be paid by the county at the rate of two dollars for every eight hours of such attendance. Failure to attend in response to a subpoena is made a contempt. In case of a disagreement between the members of the Board of Canvassers as to how the vote of any precinct shall be counted, the matter in dispute must be forthwith reported by the Board to the Judge of the Circuit Court in a brief written statement, setting forth the grounds of disagreement, together with all papers concerning the matter, and such judge shall summarily determine such dispute and direct how such vote shall be counted, and such determination shall be final as regards the action of the Board of Canvassers. It is the duty of each Inspector of elections, as soon as the certificates required by law have been signed by the precinct election boards, to deliver them, together with one of the lists of voters and one of the tally papers containing the vote of the precinct for all officers voted for, and with all bags required to be

returned to the County Clerk, and this return must be made promptly upon the night of the election. (Sec. 147.)

VOTES FOR TOWNSHIP OFFICERS — WHEN, WHERE AND HOW CANVASSED. The votes for township officers, where there is but one precinct in the township, are canvassed by the Board of Election, after the polls are closed, on the day of election, and the result certified accordingly; but in all townships where there are more than one precinct and not more than ten precincts, the Inspectors of the several precincts, or the Judge of Election to whom the certificates, poll books and tally papers have been delivered, constitute a Board of Canvassers, who must meet on the day following the election at the office of the Township Trustee at as near 10 o'clock a. m. as practicable, and organize by electing one of their number as chairman and one as clerk, and compare the certificates, poll books and tally papers, aggregate the vote, and declare and certify the result; and if two or more persons have the highest and equal number of votes for the same office they must determine by lots which shall be declared elected and give a certificate accordingly. (Secs. 177 and 178.)

If there are more than ten voting precincts in any township of a county, then the vote for township officers in such township, shall be canvassed by the County Board of Canvassers at the same time and place that the vote for county officers is canvassed. (Sec. 147.)

MACHINE VOTING.

Where machines are provided for voting, a railing shall separate the part of the room occupied by the Election Board from that occupied by the machine. The exterior of the machine and every part of the polling place shall be in plain view of the Board. The machine shall be so placed that no person outside the railing can see how any person has voted. No one can go inside the railing except for the purpose of voting, unless it is necessary to assist a cripple or illiterate voter to vote. If a voter remain in the compartment longer than one minute, he shall be removed. (Sec. 300.)

Cripples and illiterate persons can receive assistance in machine voting only under circumstances which permit assistance in voting by ballot. (Sec. 301.)

Sample ballots for machine voting are provided by the county in the form of a diagram showing the entire front of the voting machine after the ballot labels are attached for voting. Three of the sample machine ballots shall be posted near the entrance to the voting chute. (Sec. 303.)

The Inspector, when he gets his supplies on the Saturday before election, gets, among other things, three extra sets of ballot labels for use in emergencies; but the labels on the machines are to be placed there originally by the County Board of Election Commissioners. (Sec. 304.)

After six o'clock in the evening of the day before the election, the Inspector and Judges meet in the election room and see that the machine is properly labeled, set and adjusted, ready for voting. At five o'clock on election morning, the Election Board with the Clerks and Sheriffs must meet in the election room and finally assure themselves that the machines are properly labeled, set at zero, and in order. (Sec. 304.)

As soon as the polls are closed, the Inspector, in the presence of the Judges, Clerks, Sheriffs and Watchers, after locking the voting part, shall open the counting compartment and read off and announce the vote, which shall be immediately taken down and recorded by the Clerks. The certificates shall be returned at once to the Canvassing Board at the Clerk's office precisely as in voting by ballot. (Sec. 307.) The machine must then be locked up. (Sec. 308.) The keys of the machine must then be returned to the County Auditor. (Sec. 310.)

A full supply of ballots, booths and boxes for voting purposes will be furnished each Election Board. If a machine fails to work or breaks down at any time, notice must be sent to the County Auditor at once; but the voting must not be delayed, printed ballots must be issued to the voters and the election must proceed as if no machine had been provided. In canvassing the vote where this has occurred, the ballot vote is to be added to the machine vote as recorded at the time of the break-down. (Sec. 320.)

By an act approved February 25, 1911 (Acts 1911, page 67), provision is made for a recount and correction in elections where voting machines are used. (Sec. 185.)

CONSTITUTIONAL AMENDMENT.

Constitutional amendments when proposed are printed in brief on the State ballots. They are followed by a line with the word "Yes" and another line with the word "No" thereon and the voter may indicate his desire with reference to such constitutional amendment by making a cross (X) in the square before either of said answers. (Sec. 129.)

If any political party polling at least one per cent. of the entire vote cast in the State has taken action upon any constitutional amendment and certified its resolution to the Secretary of State, there shall be printed upon the ballot of such party immediately below the names of its State candidates, a statement of such proposed constitutional amendment followed by the word "Yes" or the word "No" according as affirmative or negative action may have been taken thereon by such party. In this case if the voter makes a cross (X) mark in the circle at the head of the State ticket for the purpose of voting a straight party ticket, he thereby votes upon said constitutional amendment in accordance with the action taken by his party; or if he choose he may vote a mixed ticket and may make his cross (X) mark in the blank to the left of and before the statement and answer thereto that he desires to make. (Secs. 130-134.)

PARTIES.

The party vote of 1908, 1910 and 1912 was as follows:

	1912.	1910.	1908.
Democratic	281,890	299,935	338,262
Republican	151,267	287,568	348,993
Progressive	162,207	.....	.....
Prohibitionist	19,249	17,024	18,045
Socialist	36,931	19,632	.....
People's .....	.....	.....	1,193
Socialist Labor	3,130	2,974	.....
*Socialist and Socialist Labor...	.....	.....	13,476
Independence Party .....	.....	.....	514
Total vote	654,474	627,123	720,483

*Combined vote of the Socialist and Socialist Labor parties in 1908.

Under the law, each of the four political parties which cast the largest vote in 1912 is entitled to one Watcher at the count (Sec. 119) and each party which cast one per cent. of the total vote is entitled to nominate its candidates by petition. Under this vote the only political parties entitled to nominate by convention and to have Watchers at the count, are the Democratic, Progressive, Republican, Prohibition and Socialist parties. Nominees of other parties can only be placed on the official ballot by petition, and only such signatures to petitions can be counted as have been acknowledged before an officer authorized to take acknowledgments. (Sec. 84.)

ELECTION SUPPLIES.

Inspectors are required by law to call at the offices of the Auditor and Clerk in the Court House for election supplies on the Saturday before election. If they can not go in person, they must send one of the Judges. If they do not get the supplies on Saturday, they must serve as Inspector without compensation, and are subject to a fine of from ten to one hundred dollars. (Sec. 100.)

RETURN OF VOTE.

The vote must be returned by the Inspector to the Clerk's office in the Court House immediately on the conclusion of the count. (Sec. 145.)

ARRANGEMENT OF BLANKS AND TICKETS.

STATE BALLOTS.

On the State tickets the names of the candidates when such candidates are to be elected will be in the following order:

- Presidential Electors.
- For United States Senator.
- For Governor.
- For Lieutenant-Governor.
- For Secretary of State.
- For Auditor of State.
- For Treasurer of State.

For Attorney-General.
 For Clerk of the Supreme Court.
 For Superintendent of Public Instruction.
 For Chief of the Bureau of Statistics.
 For State Geologist.
 For Judge of the Supreme Court, First District.
 For Judge of the Supreme Court, Second District.
 For Judge of the Supreme Court, Third District.
 For Judge of the Supreme Court, Fourth District.
 For Judge of the Supreme Court, Fifth District.
 For Judge of the Appellate Court, First Division.
 For Judge of the Appellate Court, First Division.
 For Judge of the Appellate Court, First Division.
 For Judge of the Appellate Court, Second Division.
 For Judge of the Appellate Court, Second Division.
 For Judge of the Appellate Court, Second Division.
 For Reporter of the Supreme Court.

CONSTITUTIONAL AMENDMENTS.

LOCAL BALLOTS.

On the local tickets the names of the candidates should be in the following order as far as applicable to the particular county:

For Representatives in Congress, Congressional District.

For Judge of the Circuit Court, Judicial Circuit.

For Judge of the Probate Court.

For Prosecuting Attorney, Judicial Circuit.

For Judge of the Superior Court, Superior Court District.

For Judge of the Superior Court, County.

For Judge of Room Superior Court, County.

For Judge of the Criminal Court, County.

For Judge of the Juvenile Court.

For Senator, County.

For Joint Senator, Counties.

For Representative, County.

For Joint Representative, Counties.

For Clerk of the Circuit Court.

For County Auditor.
For County Treasurer.
For Recorder.
For Sheriff.
For Coroner.
For County Surveyor.
For County Assessor.
For County Commissioner, First District.
For County Commissioner, Second District.
For County Commissioner, Third District.
For County Councilman at large.
For County Councilman, District.

TOWNSHIP BALLOTS.

For Township Trustee.
For Township Assessor.
For Township Advisory Board.
For Justice of the Peace.
For Constables.
For Supervisor of Roads, District No. 1.
For Supervisor of Roads, District No. 2.
For Supervisor of Roads, District No. 3.
For Supervisor of Roads, District No. 4.

On the blank forms for canvassing provided by the County Auditor, the names of the candidates should be arranged in the same order.

INSTRUCTIONS TO PRIMARY ELECTION OFFICERS

SECTIONS 321 to 377

POSTING DIRECTIONS.

The Inspector should be at his polling place early enough before 8 a. m. to enable him to post up the cards of instructions.

One of the cards must be posted in each election booth; and also one at the outer end of the chute. Not less than three cards must be posted about the polls beyond the fifty-foot limit.

INSPECTORS.

An Inspector must have been a freeholder and a resident householder of his precinct for one year, or a resident householder for two years immediately preceding the day of election. If no person qualified to act will consent to serve as Inspector, or if there be no person residing in the precinct qualified to act as Inspector by reason of the fact that he has not been a resident householder within the precinct for two years, or a freeholder and householder for the year next preceding the election, then any qualified voter of the precinct may be appointed.

An Inspector must not have anything bet or wagered on the election, nor be a father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, or first or second cousin of any candidate at the election.

Not more than three nor less than one day before the day of election, the Inspector, or the Judge authorized by him, must call at the office of the Clerk of the Circuit Court in the Court House and get the ballots and other election supplies and stationery. All these he must carefully guard and preserve. If, by accident, they be lost or destroyed, he must report at once to the County Board of Election Commissioners, at the office of the Clerk of the Circuit Court, and obtain a new supply.

The Inspector acts as Chairman of his Election Board, and must announce the opening and closing of the polls. His duties as a member of such board are set forth hereinafter under the head of "Election Board."

Meals.—The Inspector should see that the Election Board of his precinct are furnished with good, plain and substantial meals, at the regular hours for meals, during the election day and until the count is finished; but no spirituous, vinous or fermented liquors shall be furnished. Those entitled to receive these meals are the Inspector, two Judges, two Poll Clerks, and one Election Sheriff, and no others. The Inspector should also see that the election room is comfortable, such as furnishing fuel, light, chairs, table and a stove.

APPOINTING JUDGES.

Before opening the polls the Inspector must appoint two Judges, one from the Progressive and the other from the Democratic party. The Chairman of the Progressive and Democratic County Committees have the right to name these Judges. If a member of the Election Board fails to appear at the hour for opening the polls, the remainder of the Board must select a member from his political party to serve in his stead. The qualified voters of his party present at the polls may nominate a qualified person for the vacancy, and he must be appointed. If no member of the Election Board appears at the hour appointed for opening the polls, the qualified voters present must elect a Board viva voce as nearly as possible in conformity with the requirements above stated.

ELECTION JUDGES.

Election Judges have no duties except as members of the Election Board, which see. They must be qualified voters of the precinct, and have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding the day of election, and be members of different political parties and of the parties which cast the highest number of votes in the State at the last State election. If no persons who are qualified will consent to serve as such Judges, or if there

are no persons residing in the precinct qualified to act as Judges by reason of the fact that they have not been resident householders within the precinct for two years, then, in that case, any elector of the precinct may be appointed as such Judge.

ELECTION BOARDS.

The Election Board is composed of the Inspector and the two Judges representing the two leading political parties. No person except these three have any voice in determining any question arising for the Board's decision.

NOMINATION OF POLL CLERKS. The first duty of an Election Board is the appointment of Poll Clerks, who must be qualified electors of the precinct and representatives of the two leading parties. If nominations have been made by the chairmen of these two parties, such nominees must be appointed.

OATH OF OFFICE. The next duty is taking the oath of office. If no person is present at the polling place authorized to administer oaths, the Inspector administers the oath to the two Judges and then one of the Judges administers the oath to the Inspector. The Inspector administers the oaths to the Polling Clerks.

PROVIDING BALLOTS AND FURNITURE. In case, for any reason, the ballots or any necessary furniture for the election be not on hand at the opening of the polls, the Board must supply them as speedily as possible. Ballots should be obtained from the person who was entrusted to bring them to the polling places, if possible; if not, then at the County Clerk's office; and if that be impracticable, the Board must have them printed.

OPENING BALLOT PACKAGES. After the organization of the Board the ballot packages must be opened by the Inspector in the presence of the Board without breaking the seals, in other words, cut the strings and leave the seals on them. The seals must be preserved and returned with the protested, disputed, defective and uncounted ballots. The Inspector then delivers twenty-five of each of the different kinds of ballots to the Poll Clerks, who must

place their initials in their ordinary handwriting in ink of only one color on the lower left-hand corner of the back of each ballot, and then deliver to the Judges. As soon as a ballot has been delivered by the Judges to a voter the Inspector must deliver another ballot to the Poll Clerks, who must at once sign it with their initials and deliver to the Judges, who shall place it at the bottom of those already signed, so that at all times the Judges shall have twenty-five of each of the different kinds of ballots before them.

BALLOT BOXES. The ballot boxes must be opened, examined and then closed and locked before announcing that the polls are open. One key must be retained by the Inspector and the other key given to the Judge of the opposite politics of the Inspector.

OPENING THE POLLS. When these duties have been performed and the Poll Clerks have marked their initials on the lower left-hand corner of the back of twenty-five of each of the different kinds of ballots, the Inspector must then announce that the polls are open. No ballot can be received before this announcement is made.

POLLS OPEN AT 8 A. M. SHARP. The failure of the Poll Clerks to have their initials marked on the full number of twenty-five ballots shall not delay the opening of the polls. The law says the election shall be opened at 8 o'clock a. m. and this provision is mandatory. As soon as the clerks have any ballots at all marked properly with their initials, the polls shall be opened, and the full quota of twenty-five ballots shall be marked ahead as quickly as possible without delaying the vote.

POLLS OPEN CONTINUOUSLY. The polls must be kept open continuously from 8 a. m. to 8 p. m. in all precincts in the city, and in all precincts outside of the city said polls shall open at 8 a. m. and close at 6 p. m. After the polls open at an election, the Board can not adjourn temporarily, nor take any recess, until the polls have been regularly closed, all the votes counted, the returns made out, and the result publicly announced. The meals should be served the Board in the election room, and the polls kept open so that no delay shall be had in the voting.

RIGHT OF ELECTION BOARD TO CHALLENGE.

The right of any person offering to vote may be challenged by either challenger present, by any member of the Election Board, or by any voter of the precinct.

INTERPRETER. If any member of the Board request it, an interpreter may be called to aid in instructing a voter, but the interpreter has no right to mark the ticket or see it marked.

BALLOTING. The Board has general supervision of the balloting and should not permit any violation of the law in its presence without the immediate arrest of the offender. No ballot may be put in the box by the Inspector if the manner in which it has been marked has been shown to any person, or if it has been mutilated, or defaced, or any distinguishing mark put on it, or if the initials of the Poll Clerks do not appear on it.

CLOSING POLLS. No voter can enter the election room after the polls are closed, but any voter in the room at the time of closing may tender his vote and it must be received. The Inspector must make proclamation of the closing of the polls, and the time of closing must be entered by the Poll Clerks on the tally papers.

CUSTODY OF BALLOTS.

During the election the Judge of each party must have the custody of the ballots of his party and if there are candidates for nominations of any party not represented on the Election Board, then the Judge of the party opposed to the party to which the Inspector belongs must have the custody of the ballots of such party having no representation on the Board.

MANNER OF VOTING.

No more than one voter for each booth must be in the election room. On entering the election room the voter announces his name and residence and also announces with which political party he is affiliated, and the Poll Clerks record his name on the poll sheets of such party and indicate his party affiliation in the proper column, and the Judge

of his party delivers to him the ballots of his party and the other Judge delivers to him a blue pencil. He can not receive ballots except those of the one party with which he has announced his affiliation. The Judges on request may explain to the voter the manner of voting. If any member of the Board thinks necessary, an interpreter may be called.

The voter enters an unoccupied booth and indicates the candidate for whom he wishes to vote for each office by making a cross thus (X) with the blue pencil in the small square to the left of the name of each candidate for whom he desires to vote.

If the voter desires to vote for a person for any office other than the person or persons whose name or names are printed on the ballot, he should write the name, or insert a paster containing the name of such person, in the space on the ballot set apart for the names of the candidates for such office, and make a cross thus (X) in the small square to the left of said name as above indicated. He can not thus write in any name contained on any other party ballot. If he does take a name from the opposite party ballot and write it on his own party ballot the vote should not be counted for that office, but such writing of a name would not be a distinguishing mark and the ballot should be counted for other candidates properly voted for.

After marking the ballot, and before leaving the booth, the voter must fold it so that the face CAN NOT be seen, and so the initials of the Polling Clerks on the back thereon CAN be seen. Then he shall hand the ballots to the Inspector and the blue pencil to the Judge. If he discloses any of the candidates voted for, after marking the ballot, the ballot shall not be deposited in the box, and he shall not be allowed to vote. A minute of such occurrence must be made on the poll sheet.

If the voter deface, mutilate or mark his ballot except as above instructed, he shall return it to the Judge of his party and get a like one.

If the voter is physically unable to mark his ballot, or can not read English, he shall inform the Poll Clerk of his party, and make affidavit to that effect. Said Clerk shall prepare his ballots in the presence of the Judge of his party and read the same to him as prepared. A false declaration that the voter can not mark his ballot is a penal offense. It

is also a penal offense for any Clerk to deceive any voter in reading or marking such ballot, or marking the same in any other way than as requested by such voter. No voter shall occupy a booth longer than five minutes.

The Inspector shall, forthwith, in the presence of the voter and of the Election Board, deposit the folded ballots received from said voter in the box designated to receive the ballots of the party with which the voter has affiliated, and the Poll Clerks shall write "Voted" after the name of the voter on the poll sheets.

It shall be unlawful for any person to advise, counsel or electioneer, or direct the voter for whom to vote or not to vote, or to overlook the voter while preparing his ballot in the voting place, or for the voter to show his ballot after being marked. After voting the voter shall leave the room, but no voter to whom ballots and pencil, or either, have been delivered, shall be permitted to leave the room without voting the ballots or returning them to the Poll Clerk, or without returning the pencil to the Poll Clerk. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession.

VOTERS, QUALIFICATION AND RIGHT.

The qualifications for voting at the Primary Election are the same as those for voting at the General Election, except that a person under 21 years of age may vote if he will be more than 21 years of age on the day of the election for which nominations are being made at the Primary Election. Furthermore, residence of sixty days in the township and six months in the State (which is required as the qualifications for voting at the General Election) is not required in a Primary Election, provided the voter has resided in the precinct thirty days immediately preceding the day of election and if continuing to reside in the township and State until the date of the election for which nominations are being made, will then have resided within the township sixty days and within the State six months. As to qualifications for voting a particular party ticket the voter is qualified if he, at the last election at which he voted, voted for a majority of the candidates of that party, and if he further in-

tends to vote for a majority of the candidates of that party at the next election. The requirements of the law relating to the right of an employe to have sufficient time to vote which govern General Elections govern Primary Elections. This grants the employe four hours in which to vote, during which he may not be kept at work.

POLL CLERKS.

Poll Clerks must be qualified voters of the precincts and taken from the two leading parties. They may be nominated by the chairman of the Progressive and Democratic County Committees, respectively, but if not so nominated, they must be selected and appointed by the Board of Election, one from each of the two leading parties.

The first duty of the Poll Clerks is to take the oath of office. Other duties are given under Election Board.

ELECTION SHERIFFS. The County Sheriff, upon request of the Board of Primary Election Commissioners, must appoint one special deputy as Election Sheriff to serve in such precincts as may be designated by said Board, and if the person so appointed fail to appear the member or members of the Election Board must appoint a person to act in his place.

ATTENDANCE. The Election Sheriff must be at the polls when they open and remain until the count is concluded. During the canvass of the vote the Sheriff should remain in the election room with the Election Board. He may go in and out of the election room, when he wishes, or as the occasion may require.

ARREST. He must make arrests on the demand of any member of the Board, and also on affidavit made before the Inspector by any qualified voter that any person who has voted is not a legal voter. He may make an arrest when he sees any violation of the law. Persons thus arrested by Election Sheriff should be promptly delivered by him to the nearest magistrate or court, where their cases may be speedily heard, and, if their offense be bailable, bond may be given. In general, the Sheriff must follow the direction of the Election Board.

VOTER AND SHERIFF. It is the duty of the Election Sheriff to see that no more than six voters are permitted in the election room at the same time, and that all other persons are kept away for a distance of fifty feet. They should also assist infirm or decrepit voters going through the chute to and from the election room.

CHALLENGERS. One challenger, appointed in writing by the local chairman of each party organization, is entitled to stand at the sides of the chute next to the challenge window.

CHALLENGING VOTES. A challenger may challenge any person offering to vote on the ground that he is not a legal voter of the precinct. Any qualified voter of the precinct who has voted or intends to vote upon the ballot of any political party may challenge another person offering to vote upon the ballot of that party, on the ground that such person is not an adherent of that party. If a person offering to vote is challenged for not being a legal voter of the precinct he must then make affidavit that he is a citizen of the State; that he has been a resident of the precinct for the last thirty days; that if he continues to reside in the precinct until the November election he will have been a resident of the State for more than six months and of the township more than sixty days, and that he will be at the time of the November election, more than 21 years old; that he has not voted and will not vote at any other precinct at the primary, stating his occupation and where he has resided during the last six months, with the date of any removal during the time, and giving the names of two persons who have knowledge of his residence in the precinct and township or ward as stated by him. If the person challenged makes this affidavit he is then allowed to vote unless the challenger or some qualified voter of the precinct makes affidavit that he knows or is informed and believes that the person is not a legal voter in the precinct, and if such affidavit is on information and belief, it shall set forth the names of the persons from whom the information was obtained. If this counter affidavit has been made, then the person offering to vote can not vote unless thereafter one qualified voter of the precinct who has been a freeholder and resident householder therein for a year, or a resident house-

holder for two years next preceding the primary, shall make affidavit that to his personal knowledge the person offering to vote is a legal voter. If this last affidavit is made the person may vote. If a person offering to vote is challenged on the ground that he is not an adherent to the party upon whose ballot he intends to vote, he must make an affidavit that at the last election at which he voted, he voted for a majority of the candidates of the party upon whose ballot he desires to vote, and that at the next election he will support a majority of the candidates of that party.

WATCHERS. Each party whose candidates are to be nominated at the primary may appoint one watcher, who shall be permitted to be present during the canvass of the votes. His credentials are to be signed by the county chairman of the party which he represents.

CANVASS OF THE BALLOTS. Before beginning to count the ballots the Election Board shall burn all unvoted ballots and shall determine which political party's vote shall be first counted. The ballots which are taken from the box shall be laid upon the table in the order taken. The Inspector and the Judge of Election differing from him in politics shall view the ballots as the names are read therefrom. Any member of the Board may protest as to the counting of any ballot or any part thereof. Any ballot not bearing the Poll Clerk's initials or bearing a distinguishing mark shall not be counted. Where it is impossible to determine the voter's choice of candidates the ballot shall not be counted as to the candidates affected thereby. All protested, disputed, defective or uncounted ballots shall be preserved and placed in bags and sealed at the close of the count, and on the bags inclosing the same a memorandum of the number of ballots placed therein shall be made. The Clerks shall record on the tally sheets memoranda of these ballots and the condition of the seals of the ballot packages, and each ballot protested shall be indorsed by the Clerks as counted or not counted as the case may be, which statement must be signed by both of the Clerks.

At the end of the count the Election Board shall make a memorandum of the total vote cast for each candidate and deliver a copy to each member of the Board, and the Board shall burn all the voted ballots except the disputed, pro-

tested, uncounted and defective ballots. After all the counting of the ballots as to one political party has been completed, the Board shall proceed to canvass the votes of one of the other political parties participating in the Primary.

CLOSE OF COUNT. The Board, after canvassing the ballots, must record the results on the tally sheets, and make out three certificates of the number of votes for each candidate, over the signature of all the members of the Board, and deliver one of them to each member of the Board.

The disputed, protested, uncounted and defective ballots must be preserved and returned to the County Clerk's office, in the sealed bags. Before putting such ballots in the bag, one of the Poll Clerks must endorse upon the back of each disputed, defective, uncounted or protested ballot the word "counted" or "not counted," or if counted in part, for whom counted, as the case may be, which statement must be signed by both of the Clerks.

PROTESTED BALLOTS. At the close of the canvass the Poll Clerks must make memoranda on the tally sheets of the protested, uncounted, disputed and defective ballots. It is intended by the law that there should be separate memoranda for each ballot, specifying the objections to it. It will, therefore, be necessary to number the protested, uncounted, disputed and defective ballots so that the objections may be referred to the proper ones by number.

A paper sack is provided in which the seals of the ballot packages, and all the disputed, protested, uncounted and defective ballots must be placed; and this bag, after sealing, must be delivered to the County Clerk.

EFFECT OF PROTEST. A protest does not, in any sense, mean that the ballot shall not be counted. It must be counted, notwithstanding the protest, if a majority of the Board so decide, and the only persons to decide are the Inspector and the two Judges. If a ballot is counted over the protest of a member of the Election Board, it must be preserved.

DISPOSITION OF PAPERS.

The various papers and documents used by the Board must be disposed of as follows:

(a) The count being completed, the Board must place in a paper bag or envelope, to be furnished for that purpose, all affidavits made and taken during the progress of the election, which bag or envelope must be securely sealed by the Board. Each member of the Board (Inspector and two Judges) must indorse his name on the back of such bag or envelope, which must be delivered at once to the County Clerk by the Inspector.

(b) All protested, uncounted, disputed or defective ballots must be put in another bag furnished for that purpose, together with the seals of the ballot packages, in the same condition as they were when the packages were opened at the beginning of the election. The Inspector must seal this bag with wax and indorse thereon the number of ballots therein, and the condition of the seals of the ballot packages, with the name of the ward and precinct, and he must deliver it at the earliest possible period to the County Clerk.

(c) In another bag must be placed one of each kind of the lists of voters kept by the Poll Clerks, and one of each kind of tally sheets, the oaths of office taken and subscribed by the election officers prior to the opening of the polls. This bag must be tightly closed and sealed with wax by the Inspector in the presence of the Judges, and the Inspector must deliver it to the County Clerk at once, and make the affidavit required by Section 4713, R. S. 1881; R. S. 1901, Sec. 6268; R. S. 1908 and R. S. 1914, Sec. 6954.

CUSTODIAN OF PAPERS.

At the close of the count the Inspector must take charge of and deliver AT ONCE to the Board of Election Commissioners at the County Clerk's office the sealed envelope containing the affidavits made, also all of the paper bags containing the protested and disputed ballots, and the seals of the ballot packages, and the paper bag containing the poll sheets, tally papers and oaths of the election officers. In addition to the above, the Inspectors of the election in TOWNSHIPS, having more than ten voting precincts, must take and deliver AT ONCE to the Board of Election Com-

missioners at the County Clerk's office, to be used in the canvass of the votes, ONE EACH of the DEMOCRATIC, REPUBLICAN and PROGRESSIVE Poll Sheets, ONE EACH of the DEMOCRATIC, REPUBLICAN and PROGRESSIVE COUNTY Tally Papers, and ONE EACH of the DEMOCRATIC, REPUBLICAN and PROGRESSIVE TOWNSHIP Tally Papers; and the Inspectors of the Election in Townships having not more than ten voting precincts must take and deliver AT ONCE to the Board of Election Commissioners at the County Clerk's office, to be used in the canvass of the votes, ONE EACH of the DEMOCRATIC, REPUBLICAN and PROGRESSIVE Poll Sheets and ONE EACH of the DEMOCRATIC, REPUBLICAN and PROGRESSIVE COUNTY Tally Papers.

The Inspectors in the townships having not more than ten voting precincts, must not take any TOWNSHIP TALLY PAPER, other than the ones in the sealed paper bag, to the Board of Election Commissioners, but on the next day after the Primary, as near the hour of 10 o'clock a. m. as practicable, the Inspector must take to the office of the Trustee of his township ONE EACH of the DEMOCRATIC, REPUBLICAN and PROGRESSIVE TOWNSHIP Tally Papers and there canvass the votes cast for the nomination of Township Officers. The Township Trustee will have the necessary canvasser's sheets for canvassing the votes of each party's candidates.

INSTRUCTIONS TO VOTERS AND OFFICERS UNDER THE REGISTRATION LAWS.

WHERE REGISTRATION HELD.

In each year of a general election any order made by the Board of County Commissioners establishing, changing, dividing, or consolidating election precincts, must be made not later than their March session. In this respect Sec. 49 of the general election laws (R. S. 1908, Sec. 6883) has been amended by Sec. 2 of the Registration Act (Sec. 26); R. S. 1914, Sec. 6977a.

The registration in each precinct shall be held in a suitable room, where no intoxicating liquors are sold or kept, to be provided by the Board of County Commissioners fifteen days before each session. If practicable, the same room should be secured for the sessions of the Board that will be used for the election. No other business should be conducted in the room during the time the Board is in session.

TIME OF SESSION.

The law provides that a session for registration in each year of a general election shall be held on Monday, the 29th day before such election and designates the same as the regular session of the Board. (Sec. 28.) The law further provides that on petition of ten voters of the precinct in writing, three of whom shall be freeholders, filed with the Board at its regular session, the Board shall continue the regular session one or two additional days, as designated in said petition. Any such petition should be presented to the Board while in session for receiving applications. (Sec. 32.)

A September session of one day only of the Registration Board must be held on the fifty-ninth day before a regular election, if three hundred (300) resident freehold voters of a county at least eighty (80) days before a regular election, file with the Auditor of the County a written petition, asking that a September session of the Board be held. The qualifications of the persons signing such petition shall be verified by one or more of such signers. (Sec. 48.)

HOURS OF REGISTRATION.

At each and all sessions of the Registration Board, the Board shall be in session to receive and register the names of voters from six o'clock a. m., until nine o'clock p. m. (Sec. 32.)

NOTICE.

Before holding each registration session a notice shall be given as provided in Sec. 6 of the act, that is to say, the Auditor shall give newspaper publication of such time and place ten days before each session, by one publication in one newspaper of general circulation of each of the two political parties that cast the highest vote respectively in the county at the last preceding general election, printed and published in the county, if such there be, and if either or both of the parties that cast the highest and next highest number of votes at the last preceding general election have no paper of general circulation printed and published in the county that advocates the principles of such party or parties, then the Auditor should publish such notice in the paper selected by the chairman of such party or parties, and each Inspector shall post fifteen notices eight days before each session in at least five public places in his precinct. Sec. 6 of the act provides what the notices shall contain. The act contemplates five posted notices for each session. (Sec. 30.)

REGISTRATION OFFICERS.

The Registration Board consists of an Inspector and two Clerks for each precinct. The Inspector is appointed by the Board of County Commissioners at its August session. He must be at the time a voter and resident freeholder of the township in which is situate the precinct for which he is appointed, and must have resided in the township continuously for at least one year immediately prior to his appointment; or else, he must be a voter and resident householder of the precinct for which appointed and shall reside in the township for at least two years immediately prior to his appointment. (Sec. 27.)

After the Board has made its order appointing such Inspector, the County Auditor must immediately notify each Inspector so named of his appointment, and he must qualify within ten days after receipt of such notice by taking a written oath required by Sec. 3 of the law and filing the same in the Auditor's office. Failing to qualify within such time, his office becomes vacant and the vacancy in the office of a Registration Inspector is filled by the County Auditor. (Sec. 27.)

The Registration Clerks are appointed by the Inspector not less than five days before the session of the Registration Board, upon nomination by the chairmen of the two parties casting the highest and next highest vote in the county at the last preceding general election. The county chairman must nominate such Clerk at least ten days before the session of the Registration Board. If such nomination be not made, or the person so nominated fail to appear and qualify, the Inspector must nevertheless appoint such Clerk, and such appointee shall be of the political party to which the chairman failing to appoint, or Clerk failing to appear and qualify, belongs. If a Registration Clerk resigns, dies or removes, the chairman having the original appointing power may nominate his successor if he do so before the convening of the next session of the Board. If the Clerks have not already made oath before some proper officer, at the organization of the Board, they should take oath in writing before the Inspector, his power of appointment being deemed to include this power to administer such oath. These oaths are returned by the Inspector with the other papers to the Auditor. (Sec. 27.)

The Inspector and Clerks of the registration boards may serve in a like capacity upon the General Election Board; but their acceptance of and qualification as election officers would vacate their positions as registration officials. (Sec. 27.)

PAY AND MEALS.

The law provides that each member of the Registration Board shall be paid for his services at the rate of \$3.00 per day for the time necessarily engaged in the discharge of his duties as such member, and the Inspector shall furnish members of the Board with good, plain and substantial meals

during the time they are in session, the expense of which shall be paid out of the county treasury. (Sec. 30.) The pay is for each day of twenty-four hours or fractional part thereof spent in the discharge of his official duties. Inspectors also receive ten cents per mile as mileage.

BOOKS AND BLANKS.

Registration books and blanks shall be prepared by the County Auditor, and he shall, ten or more days before the session of the Registration Board, deliver to each Inspector two blank forms of registration books, blank applications for registration and other necessary stationery, which should contain a blank for the qualifying oath of the Clerks. The Inspector should, before registration day, place a portion of the application blanks in such place or places and in such hands in the precinct so that the voters generally may have access to such blanks before the day of registration, retaining a sufficient number to supply all voters of the precinct who may apply for them on registration day. These blanks may be printed or written by any one. (Sec. 30.)

Each registration book shall be covered with tag, have a proper caption with blanks to adjust it to any precinct, and be ruled in ten columns, headed respectively: Number; Residence; Age; Where Born; When Came to United States; When and Where Naturalized; When and Where Declared Intention; Where Resided Since October Last; Remarks. Each registration book shall contain a sufficient number of leaves to allow for all voters in the precinct, with the memoranda required after the names, as elsewhere shown, in an alphabetical index in the back of the book of the names registered, with a reference to their numbers respectively. (Sec. 29.)

WHO MAY REGISTER.

The object of the registration law is to provide for and require registration of all voters who may be qualified and desire to vote at the next general election. The present qualifications fixed by our constitution have not been changed, and any one who may be qualified to vote at

such general election is entitled to registration therefor. (Sec. 31.)

In other words, on election day the act requires that, in addition to his constitutional qualifications, he must be registered. Registration alone does not qualify one to vote, but if a citizen is otherwise qualified and not registered his vote can not be accepted. (Sec. 31.)

All persons appearing to cast a vote at the general election must have been legally registered; and so one not of age at the time of registration, but who will be 21 years old on or before the election, and is otherwise qualified, should register in order to vote. (Sec. 31.)

HOW TO REGISTER.

The voter must present himself *in person* to the Board for registration and announce his name and present his application. Before the voter presents himself to the Board, he shall make, or cause to be made, in writing, or partly in writing and partly in print, his registration application, signed by him. If he can not write his name in English he may write it in any other language, and if not able to write in any language he may procure some resident of the township to write his name for him, and he shall make his mark, and the person so writing the applicant's name shall also write his name on the application as an attesting witness. It is made unlawful to write the name of an applicant to an application unless the other party writing it is personally acquainted with such applicant. (Sec. 32.)

If a voter fills out the necessary registration blank, the Clerks must register him. Should one of the Clerks, however, decline to register the voter, the other Clerk should register him, and should make a note of such refusal in the "Remarks" column, opposite the voters name. Both Clerks should endorse their initials on the back of *every* application for registration; should one of the Clerks, however, decline to endorse his initials on the back of such application the other Clerk should, nevertheless, endorse his own initials thereon, and make a reference of such refusal in the "Remarks" column. (Sec. 35.)

If a foreign born applicant for registration, at the time he makes such application, has not been naturalized nor

declared his intention to become a citizen of the United States conformably to law, but that if he had filed such a declaration would be qualified to vote at the general election in November he is entitled to be registered. (Sec. 33.) In other words, he must have the necessary qualifications at the time he votes in November, though he need not have them at the time he registers. His registration alone does not qualify him to vote and he can, when applying to vote, be then challenged for lacking the necessary qualifications. Such a foreigner applying for registration should write in his application the additional statement that while not naturalized he expects to become so before the next general election. If wrongfully presenting himself for registration, the applicant can be prosecuted, also challenged when he undertakes to vote. All first papers (declarations of intention) taken out after June 29th, 1906, are good for seven years thereafter and no longer, and by operation of law become void, and a new declaration or first papers, must be taken out, or the person is not qualified to vote.

FOREIGN BORN CHILDREN WHO WERE MINORS WHEN THEIR FATHERS NATURALIZED ARE NOT REQUIRED TO NATURALIZE.

When a foreigner has been naturalized having a minor child or children this operates of itself as a naturalization of such minor child or children who came to this country. (Sec. 442.) If the father has been naturalized, but the son does not know when and where, this information can be procured from the Bureau of Naturalization, Washington, D. C. The mere fact that the son does not know the place and time of his father's naturalization does not disqualify him from registering, but might be a serious impediment if such person is challenged when he presents himself to vote. It would, of course, be advisable for a person in this condition to secure this information so that he could fill out his registration blank properly; or he could declare his intention to become a citizen of the United States conformably to the laws thereof, and thus avoid any possible question.

FORMS OF APPLICATION. (Sec. 33.)**FORM No. 1.****APPLICATION FOR REGISTRATION OF NATIVE BORN VOTER.**

No.....Ind., September.....1914.

My name is..... I reside in.....Precinct,
..... Township,....., Marion County, Indiana, at
Ward,

No.....*..... Street,

I was.....years of age on the.....day of.....191....

I was born in.....

Attest: Signed.....

*If the residence is situated outside of a town or city, give the name of the owner or reputed owner of the real estate on which the applicant resides; if inside of a town or city that has street numbers give the street number and name of the street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley, and on which side thereof and the nearest cross streets between which it is situated and the name of the town or city.

FORM No. 2.**APPLICATION FOR REGISTRATION OF FOREIGN BORN NATURALIZED VOTER.**

No.....Ind., September.....1914.

My name is..... I reside in.....Precinct,
..... Township,....., Marion County, Indiana, at
Ward,

No.....*..... Street,

I was.....years of age on the.....day of.....191....

I was born in..... I was naturalizezd under the laws of
the United States at.....on the.....day of
.....1....

Attest: Signed.....

*If the residence is situated outside of a town or city, give the name of the owner or reputed owner of the real estate on which the applicant resides; if inside of a town or city that has street numbers give the street number and name of the street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley, and on which side thereof and the nearest cross streets between which it is situated and the name of the town or city.

FORM No. 3.

APPLICATION FOR REGISTRATION OF FOREIGN
BORN VOTER WHO HAS DECLARED HIS
INTENTION TO BECOME A CITIZEN.

No. Ind., September.....1914.

My name is..... I reside in.....Precinct,
..... Township,, Marion County, Indiana, at
Ward,

No.*..... Street,

I was.....years of age on the.....day of.....191....

I was born in..... I arrived in the United States on the
.....day of....., 19.... I declared my intentionto become a citizen of the United States conformably to the laws thereof
touching naturalization at....., on the.....day of....., 19.... I have resided in the United States continuously
since October 31st last at the following places:

From.....191...., to.....191...., at.....

From.....191...., to.....191...., at.....

From.....191...., to.....191...., at.....

and from.....191....to the present time at the place where
I now reside.

Attest: Signed.....

.....

*If the residence is situated outside of a town or city, give the name of the owner or reputed owner of the real estate on which the applicant resides; if inside of a town or city that has street numbers give the street number and name of the street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley, and on which side thereof and the nearest cross streets between which it is situated and the name of the town or city.

FORM No. 4.

APPLICATION FOR REGISTRATION OF FOREIGN
BORN VOTER WHOSE FATHER WAS
NATURALIZED.

No. Ind., September.....1914.

My name is..... I reside in.....Precinct,
..... Township,, Marion County, Indiana, at
Ward,

No.*..... Street,

I was.....years of age on the.....day of.....191....
 I was born in.....; I am the son of.....,
 who was a native of....., and who was naturalized as a
 citizen of the United States when I was a minor.
 Attest:..... Signed.....

*If the residence is situated outside of a town or city, give the name of the owner or reputed owner of the real estate on which the applicant resides; if inside of a town or city that has street numbers give the street number and name of the street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley, and on which side thereof and the nearest cross streets between which it is situated and the name of the town or city.

VOTERS SICK, QUARANTINED AND UNAVOIDABLY ABSENT FROM THE COUNTY MAY REGISTER.

Any voter who is sick, quarantined or unavoidably absent from the County may register by executing a proper application. This application must set out the same facts that are required in an application of a voter who appears in person, and in addition must set out that he is sick, or is quarantined, or that he is, or will be unavoidably absent from the county, stating his whereabouts, on the day or days of registration. The application must be sworn to before an officer authorized to administer oaths and using an official seal. Two freeholders residing in the precinct, must certify that they are acquainted with the voter and that the facts stated in the application are true. Then the application must be delivered to the Board while sitting for the purpose of receiving applications by a registered voter of that precinct. The Attorney General of the State of Indiana has rendered an opinion that an absent voter may register at a special session of the Board in September, where one is held, or at the regular October session by making the proper application. (Sec. 38.)

At a conference of the representatives of the respective Chairmen of the Democratic, Progressive and Republican parties, it was agreed that the words "unavoidable absence" from the county as used in Section 14 of the Registration Act should be liberally construed so as to permit the registration of all voters absent from the country on registration day whether on business or pleasure, whose absence is not for the purpose of avoiding registration in person. The

following form for an absent Native Born Voter or one similar thereto may be used, to-wit (Sec. 38):

No., Ind., 1914
 My name is I reside in Precinct,
 Township,, County, Indiana, at
 Ward,

No.* Street,

I was years of age on the day of 191...
 I was born in

I am entitled to vote at the coming General Election in November and will be unable to appear before the Board of Registration on the day and am

at the time of the Session thereof in said Precinct by reason of
 **

Thereby and by reason thereof I am prevented from registering in person at said session of said Board.

Attest: Signed:

Subscribed and sworn to before me, this, day of 1914.

Witness my hand and official seal,

My commission expires 191... ..

We, the undersigned freeholders residing in Precinct,
 Township,, County, Indiana, certify that
 Ward,

we are personally acquainted with,
 the above named applicant for registration, and know him to be the person he represents himself to be, and that the facts stated in the annexed application are true.

Witness our hands this day of 1914.

*If the residence is situate outside of a town or city, give the name of the owner; or reputed owner, of the real estate on which the applicant resides; if inside of a town or city that has street numbers give the street number and name of street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley and on which side thereof and the nearest cross streets between which it is situate and the name of the town or city.

**State the reason. If you are unavoidably absent from the County, state your whereabouts on the day of registration; or if sick, so state; or if quarantined, so state,

If the voter is an Absent Foreign Born Naturalized Voter, then the following form or one similar thereto may be used; to-wit:

No., Ind., 1914
 My name is I reside in Precinct,
 Township, County, Indiana, at
 Ward,

No.* Street,

I was years of age on the day of 191...
 I was born in I was naturalized under the laws of
 the United States at on the day of 1...

I am entitled to vote at the coming General Election in November and
 will be unable to appear before the Board of Registration on the day and
 am

at the time of the Session thereof in said Precinct by reason of

**

.....

Thereby and by reason thereof I am prevented from registering in
 person at said session of said Board.

Attest: Signed.....

Subscribed and sworn to before me, this day of 1914.

Witness my hand and official seal,

My commission expires 191... ..

We, the undersigned freeholders residing in Precinct,
 Township, County, Indiana, certify that
 Ward,

we are personally acquainted with
 the above named applicant for registration, and know him to be the person
 he represents himself to be, and that the facts stated in the annexed ap-
 plication are true.

Witness our hands this day of 1914.

.....

*If the residence is situate outside of a town or city, give the name
 of the owner, or reputed owner, of the real estate on which the applicant
 resides; if inside of a town or city that has street numbers give the street
 number and name of street, also the name of the town or city; if inside
 of a town or city that has no street numbers give the character of the
 house, whether frame, brick or other material, one or more stories, on what
 street or alley and on which side thereof and the nearest cross streets
 between which it is situate and the name of the town or city.

**State the reason. If you are unavoidably absent from the County,
 state your whereabouts on the day of registration; or if sick, so state;
 or if quarantined, so state.

If the voter is an Absent Foreign Born Voter who has declared his Intention to Become a Citizen, then the following form or one similar thereto may be used, to-wit:

No....., Ind.,.....1914

My name is.....I reside in.....Precinct,
..... Township,.....County, Indiana, at
Ward,

No.....*..... Street,

I was.....years of age on the.....day of.....191...

I was born in..... I arrived in the United States, on the
.....day of.....19...., I declared my intention to become
a citizen of the United States, conformably to the laws thereof touching
Naturalization, at....., on the day of.....19....

I have resided continuously in the United States, since October 31st,
last, at the following places:

From.....191...., to.....191...., at.....

From.....191...., to.....191...., at.....

From.....191...., to.....191...., at.....

and from.....191...., to the present time at the place where
I now reside.

I am entitled to vote at the coming General Election in November and
will be unable to appear before the Board of Registration on the day and
am

at the time of the Session thereof in said Precinct by reason of

**

.....

.....

Thereby and by reason thereof I am prevented from registering in
person at said session of said Board.

Attest: Signed.....

Subscribed and sworn to before me, this.....day of.....1914.

Witness my hand and official seal,

My commission expires....., 191...

We, the undersigned freeholders residing in.....Precinct,
.....Township,.....County, Indiana, certify that
Ward,

we are personally acquainted with.....,
the above named applicant for registration, and know him to be the person
he represents himself to be, and that the facts stated in the annexed ap-
plication are true.

Witness our hands this.....day of.....1914.

*If the residence is situate outside of a town or city, give the name
of the owner, or reputed owner, of the real estate on which the applicant
resides; if inside of a town or city that has street numbers give the street

number and name of street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley and on which side thereof and the nearest cross streets between which it is situate and the name of the town or city.

**State the reason. If you are unavoidably absent from the County, state your whereabouts on the day of registration; or if sick, so state; or if quarantined, so state.

If the voter is an Absent Foreign Born Voter whose Father was Naturalized while such voter was a minor the following form, or one similar thereto may be used, to-wit:

No....., Ind.....1914

My name is.....I reside in.....Precinct,

Township,

.....Ward,County, Indiana, at

No.....*..... Street,

.....

.....

I was.....years of age on the.....day of.....191...

I was born in..... I am the son of.....

who was a native of....., and who was naturalized as a

citizen of the United States when I was a minor.

I am entitled to vote at the coming General Election in November and will be unable to appear before the Board of Registration on the day and am

at the time of the Session thereof in said Precinct by reason of

**

.....

Thereby and by reason thereof I am prevented from registering in person at said session of said Board.

Attest: Signed.....

Subscribed and sworn to before me, this.....day of.....1914.

Witness my hand and official seal,

.....

My commission expires....., 191....

We, the undersigned freeholders residing in.....Precinct,

..... Township,,County, Indiana, certify that

Ward,

we are personally acquainted with.....,

the above named applicant for registration, and know him to be the person he represents himself to be, and that the facts stated in the annexed application are true.

Witness our hands this.....day of.....1914.

.....

.....

*If the residence is situate outside of a town or city, give the name of the owner, or reputed owner, of the real estate on which the applicant

resides; if inside of a town or city that has street numbers give the street number and name of street, also the name of the town or city; if inside of a town or city that has no street numbers give the character of the house, whether frame, brick or other material, one or more stories, on what street or alley and on which side thereof and the nearest cross streets between which it is situate and the name of the town or city.

****State the reason.** If you are unavoidably absent from the County, state your whereabouts on the day of registration; or if sick, so state; or if quarantined, so state.

ADDITIONAL REQUIREMENTS.

A voter is only required to be registered once if his registration has been made in the precinct where he votes and he has not moved therefrom; and he can register at either the September or October session.

If, after having registered in one precinct in September, he removes therefrom, it will be necessary for him to register again in the precinct to which he has removed at the October session. The mere removing from one place to another in the same precinct does not necessitate a new registration. (Sec. 48.)

At the October session persons applying shall state in their application, in addition to the general information required, the county, township and precinct where they resided at the September session of the Board, particularly describing the place so that it can be definitely determined where such resident was; and if registered at the September session they shall present with their application a copy of the record of such registration, duly certified under the hand and seal of the Auditor of the county where they were so registered, and such application shall show the place where they have resided from the September session of said Board up to the October session thereof. (Sec. 48.)

FORM OF AUDITOR'S CERTIFICATE.

The following may serve as a form for the Auditor's certificate:

CERTIFICATE OF REGISTRATION.

I Hereby Certify, That the Record of Registration of Voters for the
.....Precinct, Township,
..... Ward,

.....County, State of Indiana, for the September Session of
the Year 1914, contains the following entries:

No..... Name..... Residence.....
.....years old last birthday. Where born.....
When arrived in the United States,.....day of.....1....
Where and when naturalized.....day of.....1....
Where and when declared intention to become a citizen of the United
States.....the.....day of.....191....

Where resided since 31st of October last, from.....191....
to.....191...., at.....; from.....
191 to.....191.... at.....; from.....
191 to.....191.... at.....; from.....
191....until the present time at the place where I now reside.
Remarks.

.....
.....
Witness my hand and official seal this.....day of.....191..

.....
Auditor.....County.

DUTIES OF THE BOARD.

When a voter presents his application the Inspector shall take it and see if it is signed with his name. If so signed, but not attested, any member of the Board may ask him if that is his name and require him to write his name on the back of the application. His name is then written in the registration column of both the registration books, in its regular order, and numbered, and both Clerks must endorse their initials on the back of the application, and it is numbered to correspond with the number of the registry. The Board thereupon tells the voter the number of his name and he shall retire. (Sec. 35.)

At the October sessions the Clerks should write in the registration book in the column headed "Remarks" the place of residence of the voter at and since the September session as shown in his application. (Sec. 48.)

During the day when not busy in receiving applications, and at the close of the session, the Clerks shall complete the registration books, by inserting in the columns thereof the data to be derived from the respective applications and immediately below the last name registered they shall place a certificate, to be signed by all the members of the Board in the following form (Sec. 36):

“The above is a correct registration of all applications received by the Board of Registration for Precinct, Township, in County, at its September or October session (as the case may be) and on the day of , 19...”

POWERS OF THE BOARD.

Each member of the Board of Registration while in session shall be a conservator of the peace, and shall have the right to arrest any person creating a disturbance in or around the room, or interfering with the work of the Board of the registration of voters, or any one violating the law of the State in the presence or hearing of the Board. (Sec. 41.)

COUNTY AUDITOR CUSTODIAN OF REGISTRATION BOOKS AND PAPERS.

It is the duty of the County Auditor to keep securely in his office the registration books and papers, and shall not permit them to be taken away, except when the same is required for use on election day or at the session of the registration board. One of the registration books shall be open to the public and may be copied from as any other public record. (Sec. 37.)

REGISTRATION BOOKS AND PAPERS AT ELECTION POLLS.

The Auditor must deliver to the Inspector the two registration books, applications and affidavits returned to him by the registration board at the time he delivers the election supplies for the November election. The Inspector

must take them to precinct polls on the day of election, and within three days after the election the Inspector must return them to the Auditor's office. (Sec. 45.)

OFFENSES.

It is made unlawful by the registration law for any one to write the name of an applicant to an application unless he is personally acquainted with such applicant; or to sign the name of a person to an application for registration if he knows the application contains a false statement; or for any one to sign the name of another person to an application for registration without writing his own name thereon as an attesting witness; or for any one not a voter and who knows he will not be a voter at the next ensuing general election to register, or apply for registration, as a voter; or for any person to make any false statement in his application for the purpose of securing registration; or to present any application containing any false statement; or for any member of the Board to register, or cause to be registered, the name of any person, unless such person has presented in his own proper person, to such Board while in session, an application duly signed; or for any member of the Board, or any public officer, upon whom any duty is imposed by this act, to wilfully neglect to perform such duties, or do any act prohibited herein. (Secs. 42-43 and 44.)

CHALLENGES.

The law makes no provision for challenging an applicant for registration. If his registration is illegal he can be promptly arrested and prosecuted.

At the election a voter may be challenged, in addition to the existing causes for challenge, on the ground that he is not registered in the precinct where he offers his vote. Even in the absence of such challenge the election officers are required by law to ascertain if the voter is registered, and if he is not registered to refuse his vote. (Sec. 46.)

WATCHERS.

During the entire session of the Registration Board, both while it is receiving applications and while it is completing its books, it shall permit to be in the room one person as watcher from each political party in the county, if such person has written authority from the County Chairman of such party. Other than such watchers and members of the Board there shall not be permitted more than three applicants in the room at any one time. (Sec. 40.)

CITY REGISTRATION.

In all cities of the first and second class, a registration of voters is required before each regular city election under the provisions of this act, except that the City Clerk appoints the inspector of registration, and performs all the duties that the County Auditor is required to perform under the registration act. The City Council performs all the acts that Boards of Commissioners are required to perform except appoint the inspectors of registration. The Chairmen of the City Committees perform the duties that are performed by the Chairmen of the County Committees. The City officers in the performance of their duties are subject to the same penalties and provisions that the County officers are. (Sec. 47.)

INTERPRETATION OF THE STATE CORRUPT PRACTICES ACT.

SCOPE OF ACT.

The law applies:

First. To the election of all officers for whom ballots are cast at an election provided by law.

Second. To the election of all officers to be voted for by the Indiana General Assembly.

Third. To the election of all officers by common councils of cities or the boards of trustees of incorporated towns.

Fourth. To the election of County Superintendents.

Fifth. To all caucuses and primary elections preliminary to any such other elections.

Sixth. To all candidates to be voted for at such elections, caucuses and primary elections. (Sec. 216.)

Meaning of Term "Caucus and Primary Election."

The term "caucus and primary election" includes:

First. All meetings and elections held to nominate a candidate for office or to elect delegates to a nominating convention.

Second. Nominating conventions of such delegates.

Third. Caucuses of members of the General Assembly.

Fourth. Caucuses of the Common Council of any City.

Fifth. Caucuses of the Board of Trustees of any incorporated town. (Sec. 216.)

"Political Committee" Defined.

The term "Political Committee" includes every committee or combination of two or more persons to aid or promote the success or defeat of any political party or principle in any election, or of any proposition submitted to a vote at a public election, or to aid or take part in the nomination or election of any candidate for public office. (Sec. 217.)

"Treasurer" Defined.

The term "treasurer" includes all persons appointed by any political committee to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success or defeat of any such party, principle or candidate. (Sec. 217.)

"Political Agent" Defined.

The term "political agent" includes all persons appointed by any candidate before any election or primary election to assist him in his candidacy, or to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success of such candidate. (Sec. 217.)

Appointment of "Political Agent" or "Treasurer" Must Be in Writing Where Filed.

• No person shall act as any such treasurer or political agent until he has been appointed in writing, which written appointment shall be signed by the chairman of the political committee or candidate appointing such treasurer or political agent and until such written appointment has been filed with the clerk of the Circuit Court of the county within which such treasurer or political agent resides except in the case of the treasurer of the State Central Committee of any party, when such written appointment shall be filed in the office of the secretary of state, and until such treasurer has given bond as required by Section 3 of the Corrupt Practices Act. Every such appointment shall designate the particular period, election or primary election within which such treasurership or political agency shall continue. (Sec. 217.)

Form of Appointment of Political Agent.

The undersigned candidate for the office of
 (or for the nomination to the office of)
 on the ticket, hereby appoints John
 Brown as a political agent to aid in promoting my candi-
 dacy at the general election to be held on the first Tuesday
 after the first Monday in November, 1914, (or the primary
 election to be held on the),
 this appointment to continue for the period beginning on

the.....day of.....19..., and ending on
the day of 19.....

Dated

Candidate for the office of

(Sec. 217.)

Form of Appointment of Treasurer.

The undersigned, Chairman of the State Central Committee of the party (or Chairman of the County Central Committee of County of the party, or chairman of the City Central Committee of of the party) hereby appoint John Smith as treasurer for said committee for the election to be held on the first Tuesday after the first Monday of November, 19...., (or for the primary election to be held on,) this appointment to continue for the period beginning on the..... day of, 19...., and ending on the day of, 19.....

Dated.....

.....
Chairman of the (STATE, COUNTY OR CITY) Central Committee
of the
..... Party.

(Sec. 217.)

Duty to Appoint Treasurer.

Every political committee shall appoint and constantly maintain a treasurer to collect, receive, keep and disburse all sums of money or other valuable things which may be collected, received or disbursed by such committee or any of its members for any purposes mentioned in the Scope of the Corrupt Practices act (Sec. 1) or for which such committee exists or acts, and unless such treasurer is first so appointed and maintained it shall be unlawful and a violation of the Corrupt Practices act for a political committee or any of its members to collect, receive, keep or disburse money or other valuable things for any such purposes.
(Sec. 218.)

Bond of Treasurer—Where Filed.

The treasurer appointed by a central committee under the Corrupt Practices act before proceeding to act as such treasurer shall execute a bond payable to the State of Indiana in such penalty as the appointing committee shall prescribe, except that in no event shall the minimum penalty of such bond be less than \$500.00, and with surety or sureties to the approval of such committee, which bond shall be conditioned for the faithful performance by such treasurer of the duties of his office without loss or detriment to any person interested in the performance of such duties and the payment by such treasurer of all sums of money in his hands to his successor, upon which bond an action may be maintained in the name of the State of Indiana for the use of any persons interested in the faithful performance of his duties and injured by a breach of the condition. Said bond shall be filed in the office of the clerk of the Circuit Court except the bond of the treasurer of the State Central Committee which shall be filed in the office of the Secretary of State. (Sec. 218.)

Sub-Treasurers—Bond Not Required—Appointment Must Be in Writing—Treasurer Liable On Bond For Sub-Treasurer's Acts.

A treasurer may appoint one sub-treasurer for each voting precinct which sub-treasurer is authorized to collect money for the treasurer by whom he is appointed and to turn said money over to such treasurer without diminution. Or he may be authorized to expend such money as may be placed in his hands by the treasurer appointing him. The sub-treasurer may be authorized both to collect and expend money. A sub-treasurer shall not be required to give bond, but shall, before serving as such, receive from the treasurer an appointment in writing stating for what purpose such sub-treasurer is appointed, the name of such sub-treasurer, the territory in which he shall act and the time for which he is appointed. Every treasurer appointing a sub-treasurer shall be liable on his official bond for any dereliction in duty or misappropriation or unauthorized expenditure of funds by any sub-treasurer so appointed by him. (Sec. 218.)

Qualifications of Political Agents and Treasurers—Removal—Successors—Reports.

1. No person shall be appointed or act as "treasurer" or "political agent" in any election or primary election who is not a citizen and resident of the State of Indiana.

2. No person shall be appointed or act as any such "treasurer" or "political agent" who is the chairman of any political committee.

3. A "treasurer" or "political agent" is not prohibited from being the treasurer of another political committee or the political agent of any other candidate.

4. Any political committee shall have the power and right to remove, without assigning any cause therefor, any person appointed by such committee as treasurer and to appoint the successor of such removed treasurer.

5. A treasurer who has been removed shall immediately account for and turn over to his successor in office the moneys then in his possession as such treasurer and within twenty days after such removal file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the Circuit Court in the County in which he resides in accordance with the provisions of Sec. 7 of the Corrupt Practices Act.

6. Any candidate shall have the power and right to remove, without assigning any cause therefor, any person appointed by him as political agent and to appoint the successor of such removed political agent.

7. Upon such removal said political agent shall immediately account for and turn over to the candidate appointing him the moneys then in his possession as such political agent and shall within twenty days after such removal file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the Circuit Court in the County in which he resides in accordance with the provisions of Sec. 7 of the Corrupt Practices Act. (Sec. 218.)

Candidate Need Not Appoint Political Agent.

Any candidate may, without appointing a political agent, make such disbursements as political agents may make under the provisions of the Corrupt Practices Act. He is

not required to file a written appointment, give bond, make a report as political agent, but shall include in the statement required to be filed by him as a candidate under the provisions of the Corrupt Practices act, a full, true and detailed account and statement of the matters and facts required to be reported by political agents under the provisions of this act. (Sec. 218.)

All Moneys Received or Disbursed By a Political Committee Must Pass Through the Hands of the Treasurer.

All moneys or other valuable things collected, received or disbursed by any political committee or by any member thereof for any political purpose shall be paid over to and made to pass through the hands of the treasurer of such committee and shall be disbursed by him and not otherwise: *Provided, however,* That such disbursement may be made by a voucher drawn by the chairman of such political committee on the treasurer and presented to such treasurer for payment, which voucher shall show the specific purpose for which said money is being expended, and it shall be unlawful and a violation of the Corrupt Practices Act for any political committee or for any member or members thereof to disburse or expend money or any other valuable thing for any political purpose until the money or other valuable thing so disbursed shall have passed through the hands of the treasurer of said committee and any person other than a member of such political committee or other than the political agent hereinbefore defined, who shall engage in receiving or disbursing money for any political purpose shall be deemed a treasurer of a political committee within the meaning of the Corrupt Practices Act and shall be subject to all the requirements, obligations and penalties hereby provided for in the case of such treasurer. (The treasurer may appoint sub-treasurers as stated above). (Sec. 218.)

Reports of Sub-Treasurers.

It shall be the duty of every sub-treasurer within twenty days after every election or primary election to make a report in writing under oath to a clerk of the Circuit Court of the county in which such sub-treasurer resides, stating in detail the amount of money collected by him and from

Contributions From Political Committees.

The right of a political committee to receive contributions from other political committees for purposes authorized, is not limited by the Corrupt Practices Act. (Sec. 219.)

Contributions to National Committees.

National committees may solicit or receive contributions through treasurers or agents appointed by them. Such agents or treasurers are not required to give bond but must file their written appointment with the Secretary of State. They can not solicit or receive funds from sources prohibited to a political committee within the state. Such treasurers or political agents must be residents and citizens of the State of Indiana. (Sec. 219.)

Reports by Treasurers or Agents of National Committees.

Within 20 days after an election such treasurer or agent must file a sworn statement with the Secretary of State giving a detailed statement of all sums of money received by or promised to him and the date of each of such promises or contributions. He shall not expend any money except the actual expenses of collecting said money. If any of the funds collected by him be disbursed in the state it must be by the local committees and accounted for the same as other contributions. (Sec. 219.)

Expenses of Elections Caucuses and Primary Elections Must Be Paid by a Treasurer or Political Agent—Exception.

No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephoning, stationery, letters, circular letters, printing, expressage and traveling; but this provision shall not apply to non-partisan election and ante-election expenses paid out of the public moneys of the state, or of any town, city, county or other municipality. (Sec. 220.)

The Payments, Expenditures, Promises and Liabilities a Candidate May Make or Incur.

The payments, expenditures, promises and liabilities, which any candidate for nomination or election, or both may make or incur directly or indirectly under Section 4 and 5 of the Corrupt Practices Act, shall not exceed in the whole twenty-five dollars for each thousand (or the major portion thereof) up to fifty thousand, ten dollars for each thousand (or the major portion thereof) in excess of fifty thousand and up to one hundred thousand, and five dollars for each thousand (or the major portion thereof) in excess of one hundred thousand of the voters qualified to vote for the office in question at the next preceding election therefor, except that such candidate may expend twenty-five dollars for said purposes, all to be paid, handled and disbursed by a treasurer or political agent and not otherwise; and any payment, contribution, expenditure of, or promise or liability to pay, contribute or expend any money, or valuable thing in excess of said sum shall be unlawful: *Provided, however,* That a candidate may pay personally, in addition to said sum or valuable thing or things amounting thereto, his own expenses for postage, letters, circular letters, telegrams, telephoning, stationery, printing, advertising, publishing, expressage, traveling and board and the cost of any primary, convention or mass convention, not held pursuant to the law of this state, which may be assessed against such candidate by the political committee under whose direction such primary, convention or mass convention is held. (Sec. 220.)

Authorized Expenditures—All Others Prohibited.

A treasurer or political agent is expressly authorized to pay the following expenses:

(a) The necessary cost of hiring halls and music for conventions, public meetings and public primaries and for advertising the same, and decorating said halls;

(b) Of printing and circulating political articles, circulars, circular letters, plate and electrotypes matter, candidates' cards, pamphlets and books, including the payment of subscriptions to newspapers or periodicals containing political articles to be circulated among voters;

(c) Of printing and distributing sample or specimen ballots and instructions to voters;

(d) Of renting rooms and headquarters to be used by political committees, agents, treasurers or subtreasurers and of paying for all clerical assistance and labor employed therein;

(e) Of compensating clerks, stenographers, typewriters, and other assistants employed in the committee rooms, or on the business of the committee outside of said committee rooms, and also of challengers, watchers and messengers employed in the registration rooms, in the voting rooms and at the polls, and the cost and expenses of any primary, convention or mass convention not held pursuant to the laws of the State of Indiana.

(f) The traveling and other legitimate expenses of political agents, committees and public speakers, including reasonable compensation for the chairman and secretary of the state, district, county or city central committees, but no compensation shall be paid to public speakers, political agents, treasurers, subtreasurers, or members of a political committee other than the chairman and secretary for their services; providing that the costs of treasurers' bonds may be paid.

(g) Of making poll books, copies of registration lists and compiling information or data with respect to the qualifications of voters, or their political affiliations, or any other information of a political character.

(h) Of necessary postage, telegrams, telephoning, printing expenses and conveyance charge for carrying sick and infirm persons to and from the polls or to and from the places of registration;

(i) The necessary cost of equipping, furnishing and maintaining committee rooms and headquarters and places of meeting for political committees, agents and treasurers, both during and after political campaigns, if it shall be desired to maintain permanent headquarters.

(j) The cost and expenses of messengers sent by the direction of the chairman of any state, district, county, township or city committee of any political party in connection with party matters or interests, and also the cost and expenses of any person or persons summoned by or at the instance of the chairman of the state central committee, or

of the county central committee, or of the district committee, or of the township committee, or of the city central committee of any political party to the committee headquarters or offices in connection with party matters or interests, and also for the accommodation and entertainment of all such persons;

(k) All expenses incurred by or under the authority of the chairman of the state, district, county, township or city central committee of any political party in providing accommodation or entertainment for members of said respective committees or for the transportation of such members, when assembling for any meeting of said respective committees or visiting the headquarters of said respective committees in connection with party matters or interests.

(l) The cost and expenses of political parades, meetings and demonstrations, including the equipment and compensation of a political band or drum corps, but not including the cost or expense of any meat, drink or entertainment of any person except as hereinbefore specified.

(m) The cost of political buttons, lithographs, banners and other political advertising matter.

No treasurer or political agent shall incur any expense or liability or make any payment for any purpose not enumerated above, and every liability incurred or payment made shall be made at a rate which is reasonably and fairly commensurate with the service rendered. (Sec. 221.)

Payment For Printing Is Limited to Such as May Be Made by Authority and Properly Marked.

It shall not be lawful for any political committee, treasurer or political agent to expend any money for the printing or publication of any political matters whatsoever, which shall not purport on its face to be printed or published by the authority of said treasurer or political agent, and which, if published in any newspaper or other periodical, shall not be marked as an advertisement: *Provided, however,* That when newspapers or periodicals containing political articles are subscribed and paid for by such treasurer or political agent and sent to voters, it shall not be necessary to mark the same or any part thereof as an advertisement or to stamp or place on such newspaper a statement that they are published or circulated by the authority of said treasurer

or political agent, if the only payment made to said newspaper or newspapers is for the papers actually delivered and at not more than the usual rate of subscription. Nothing in the Corrupt Practices Act shall be construed to prevent any newspaper from publishing any political information as news although such information is furnished by a political committee or some officer thereof either in manuscript form or in plates or electrotypes, and in such case it shall not be necessary to mark such publication as an advertisement, provided such newspaper or the owner thereof receives no compensation or reward, directly or indirectly, for such publication, and the same is published in good faith as a matter of news. (Sec. 221.)

Books of Political Treasurer or Agent.

It is the duty of every political treasurer or agent to keep detailed, full and accurate accounts in a proper book or books called "account books," which are to be provided and preserved by him, of the following items:

1. All money or valuable things received by or promised to such treasurer or agent.

2. All expenditures, disbursements and promises of payments or disbursements of money or valuable things made by any political committee or by its officers or agents or any person acting under its authority or by such treasurer or agent.

3. The sum or valuable things so received, disbursed or promised.

4. The date when received.

5. The person from whom received.

6. The person to whom paid or promised.

7. The object and purpose for which such sum or valuable thing was received or disbursed or promised. (Sec. 222.)

Reports of Political Treasurers and Agents.

Twenty days after every election or primary election every such treasurer and political agent is required to file a full, true and detailed account and statement subscribed and sworn to by him before an officer authorized to administer oaths, which report shall be filed in the office of

the Clerk of the Circuit Court of the county wherein such treasurer or political agent resides.

This statement shall include:

1. The amount of money or property in each case received or promised.
2. The name of the person from whom it was received or by whom it was promised.
3. The amount of every expenditure made or promised. This evidently means an itemized statement of each and every sum spent and also the amount of every valuable thing given or promised or liability of every sort incurred.
4. The name of the person to whom such expenditure, gift, or promise was made or to whom such liability was incurred.
5. The purpose for which the money was expended or property or thing of value given or promised or liability incurred, separately indicating the expenditures, gifts and liabilities for election and primary elections.
6. A detailed statement of all unpaid debts and obligations with the nature and amount of each, for what purpose incurred and to whom owing.
7. If there are no unpaid debts or obligations, the report shall contain a statement of such fact.
8. In case of political treasurers the report shall be accompanied by a statement of expenditures from any sub-treasurer properly sworn to by such sub-treasurer. (Sec. 222.)

Sworn Statements of Expenses Must Be Filed by All Candidates for Office (Including U. S. Senators) with the Clerk of the Circuit Court Within Thirty Days After an Election or Primary.

Every candidate for public office, including candidates for the office of senator of the United States within thirty days after the election or primary election held to nominate for or fill such office or place shall make out and file with the clerk of the circuit court for the county in which such candidate resides, a full, true and itemized statement in writing, which statement shall be subscribed and sworn to by such candidates, before an officer authorized to administer oaths setting forth in detail all moneys or other valuable

things contributed, expended or promised by him to aid or promote his candidacy, or in any way in connection with his nomination or election, or both as the case may be, or for other political purposes in connection with the election of any other person at said election, and all existing unfulfilled promises or liabilities in that connection remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises or liabilities were made or incurred before, during or after such election, and showing the dates when, the person to whom, and the purpose for which each and all of said sums or valuable things were paid, expended or promised or said liabilities incurred. Such statement shall also set forth that the same is full, true and correct. (Sec. 223.)

Failure to File Sworn Statement Renders a Candidate Ineligible and Guilty of a Misdemeanor.

No person shall be deemed elected to any elective office, under the laws of this state, or enter upon the duties thereof, or receive any salary or emoluments therefrom, until he shall have filed the statement provided for in section eight of the Corrupt Practices Act; and no officer authorized by the laws of this state to issue commissions or certificates of election shall issue a commission or certificate of election to any person claiming to be elected to any office, until such statement as aforesaid shall have been so made, verified and filed by such person with such clerk. Upon the filing of such statement, the clerk shall issue to the candidate a certificate showing the filing of such statement, and the date of such filing, which certificate shall be presented by the candidate to the officer authorized to issue his commission and such certificate shall be the only evidence of the filing of such statement which may be required by the officer authorized to issue such commission. Any person violating or failing to comply with any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars nor more than two thousand dollars, or imprisoned for not more than one year, or both fined and imprisoned in the discretion of the court or jury trying said cause. (Sec. 223.)

At the Expiration of Ten Days the Prosecuting Attorney Must Be Notified of Failure of Candidate to File Statement.

Ten days after the period fixed for the filing of said original statement shall have expired, the Clerk of the Circuit Court with whom the same is required to be filed, shall notify the proper prosecuting officer of any failure to file such statement on the part of any candidate, and within fifteen days thereafter such prosecuting officer shall proceed to prosecute for such offense. (Sec. 223.)

False Statement Constitutes Perjury.

Any wilfully false statement or entry made by any candidate, treasurer, political agent, member or officer of a political committee in any statement or account under oath, required by law, constitutes the crime of perjury. (Sec. 224.)

Public Records.

Every officer with whom a statement of account or duplicate thereof are required to be filed by the Corrupt Practices Act, is required to file and preserve such records for at least three years after they are filed, and such records shall, during the hours for which they are filed is open, be subject and open to the inspection of any citizen of Indiana. (Sec. 225.)

Corrupt Practices.

The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of the Corrupt Practices Act:

(a) Every person who shall, directly or indirectly, by himself or another, give, or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emoluments, or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election, political convention or session of the general assembly of the State of Indiana or either house thereof. (Sec. 226.)

(b) Every person who shall, directly or indirectly receive, accept, request or solicit from any person, candidate, committee, association, organization, or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election or political convention. (Sec. 226.)

(c) Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote, or refrain from voting for or against any person, or for or against any measure at any such election, caucus or primary election or political convention. (Sec. 226.)

(d) Every person who shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing, to defray or towards defraying the costs or expenses of any campaign or election, to any persons, committee, company, club, organization or association, other than a treasurer or political agent; but this sub-section or paragraph shall not apply to dues regularly paid for membership in any incorporated political club if all money expended by such club for or in connection with the costs of expenses of any campaign or election shall be paid out by it only through a treasurer or political agent as provided in this act, or to any expenses for postage, telegrams, telephoning, stationery, printing, expressage or traveling, and board incurred by any candidate for office or for nomination thereto, so far as they are permitted by this act. (Sec. 226.)

(e) Every person who shall, directly or indirectly, by himself or through another person, make a payment, or promise of payment, to a treasurer or political agent in any other name than his own. (Sec. 226.)

(f) Every treasurer or political agent who shall, knowingly, receive a payment, or promise of payment, and enter the same or cause the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made. (Sec. 226.)

(g) Every person who being an employer, pays his employes the salary or wages due in "pay envelopes" upon which there is printed or in which there is enclosed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of an election or primary election puts, or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place, or establishment, will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to inflame the political opinions or actions of his employes. (Sec. 226.)

(h) Every person who, before, during or after an election or primary election by himself, or by any other person, either directly or indirectly, gives or provides, or pays wholly or in part, the expenses of giving or providing any meat, drink, entertainment or provisions to or for any person for the purpose of influencing that person, or any other person, to give or refrain from giving his vote at the election or primary election or to influence his vote in any other way therein, or on account of his having voted, or refrained from voting, or being about to vote or refrain from voting: and every elector who accepts the same, or any of the same, for any of the purposes aforesaid. (Sec. 226.)

(i) Every person who, at any election held pursuant to the laws of this state, applies for a ballot paper in any election room or polling place in the name of any other person than himself, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any election, applies for a ballot paper at the same election in his own name, or any other name, or who aids, abets, counsels, or procures the commission of any such act or acts. (Sec. 226.)

(j) Every person who shall falsely compose, dictate, print, write, or transmit by any means whatever to any publisher of any newspaper, book or serial, any matter, the publication of which in such newspaper, book or serial, would expose any person to hatred, contempt, ridicule or

obloquy, or which would cause or tend to cause any person to be shunned or avoided, or which would have a tendency to injure any person in his business, for the purpose of intimidating, influencing, inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. (Sec. 226.)

(k) Every proprietor or editor of a book, newspaper or serial, and every partner, or member of a partnership, or manager of any incorporated association by which a book, newspaper, or serial is issued or published, or circulated, who shall falsely publish, or cause to be published any writing, typewriting, printing, picture, effigy, symbol, sign, cartoon, or which exposes any person to hatred, contempt, ridicule or obloquy, or which causes or tends to cause any person to be shunned or avoided, or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing, or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election, or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. (Sec. 226.)

Penalty for Violation of Corrupt Practices Act.

Every person who shall be guilty of any corrupt practices as aforesaid, shall be fined not less than \$300.00 nor more than \$1,000.00 or be imprisoned for not more than one year, or both, and shall be ineligible to any public office, or public employment, for the period of four years from and after the time of the commission of such offense. (Sec. 226.)

Corporate Contributions.

No corporation, domestic or foreign, can directly or indirectly or through any officer, agent or employe, representative or other person whatsoever give, contribute, furnish, lend or promise any money, property, transportation or means to aid, promote or influence the success or defeat of

any political party, or principle, or to aid, promote or influence the election or defeat of any candidate, or to be used for any political purposes whatever, to the following persons:

1. To any political party.
2. To any candidate for public office or for nomination therefor.
3. To any public organization.
4. To any political committee.
5. To any treasurer or political agent. (Sec. 227.)

Contest Complaint.

The act provides for contest, at the instance of a defeated candidate or of ten duly qualified voters, of any election wherein it is alleged that corrupt practices have been used. (Sec. 229.)

Duty of Prosecuting Attorneys.

It is the duty of the Prosecuting Attorney to prosecute by the regular course of criminal procedure persons whom he may believe to be guilty of having violated any of the provisions of this act. (Sec. 231.)

INTERPRETATION OF THE FEDERAL CORRUPT PRACTICES ACT.

TERM "POLITICAL COMMITTEE" DEFINED.

The term "political committee" under the provisions of the Federal Corrupt Practices Act includes the national committees of all political parties and the national Congressional Campaign Committees of all political parties and all committees, associations or organizations which shall in two or more states influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected. (Sec. 232.)

OFFICERS OF POLITICAL COMMITTEES.

Every political committee shall have a chairman and a treasurer. No officer or member of such committee, or other person acting under its authority or in its behalf shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen. (Sec. 233.)

TREASURERS MUST KEEP BOOKS OF ACCOUNT.

It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association or committee from whom received, and of all expenditures, disbursements and promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed or disbursed. (Sec. 233.)

RECEIPTS FOR DISBURSEMENTS.

Every payment or disbursement made by a political committee exceeding ten dollars in amount must be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt or account shall be preserved for fifteen months after the election to which it relates. (Sec. 234.)

RECORDS OF CONTRIBUTIONS.

All persons receiving contributions, payments, loans, gifts, advances, deposits or promises of money or its equivalent are required to render detailed accounts to the treasurer on demand and in any event within five days, and it is the duty of the treasurer to forthwith enter the name and address of the contributor and the amount of the contribution in the record kept for that purpose. (Sec. 235.)

TREASURER'S STATEMENTS. WHERE FILED.

The treasurer must file a sworn, itemized, detailed statement not more than fifteen days and not less than ten days before a general election of Representatives in Congress in the office of the Clerk of the House of Representatives in Washington, D. C.; and supplemental statements each sixth day thereafter until such election. He shall also file a similar statement within thirty days after such election. Each of said statements must conform to the following requirements:

"First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof either in one or more items, money or its equivalent of the aggregate amount or value of one hundred dollars or more, and the amount or sum contributed, promised, loaned, or advanced by each.

"Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member or agent thereof, in amounts of less than one hundred dollars.

"Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

“Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of \$10.00 or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

“Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than ten dollars.

“Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof.”

The clerk shall preserve said statements for fifteen months. They shall be a part of the public records and open to public inspection. (Secs. 236 and 237.)

STATEMENTS OF CONTRIBUTIONS NOT MADE TO A POLITICAL COMMITTEE.

Every person, firm, association, or committee except political committees, expending \$50.00 or more for influencing Congressional elections in two or more States must file statements under oath the same as required of treasurers, with the Clerk of the House of Representatives, Washington, D. C. (Sec. 238.)

“CANDIDATE” DEFINED.

The word “candidate” as used in the Federal Corrupt Practices Act shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed or elected. (Sec. 239.)

STATEMENTS OF CANDIDATES FOR REPRESENTATIVE IN CONGRESS TO BE FILED PRIOR TO A PRIMARY ELECTION, CONVENTION OR ELECTION. WHERE FILED.

Every candidate at any primary election or nominating convention or at any general or special election, as Representative in Congress, shall, not less than ten nor more than fifteen days before any such primary, convention or election, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct and itemized statement of all moneys and things of value received by him in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or Representative, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election. (Sec. 239.)

STATEMENTS OF CANDIDATES FOR U. S. SENATOR TO BE FILED PRIOR TO A PRIMARY ELECTION, CONVENTION OR ELECTION. WHERE FILED.

Every candidate at any primary election or nominating convention or for indorsement at any general or special election or by the legislature of any State, shall, not less than ten nor more than fifteen days before such primary election, convention, or election and not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature, file with the Secretary of the Senate at Washington, D. C., a full, correct and itemized statement of all moneys and things of value received by him in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part, and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate or his representatives, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election. (Sec. 239.)

STATEMENTS OF CANDIDATE FOR SENATOR OR REPRESENTATIVE IN CONGRESS TO BE FILED AFTER A PRIMARY, CONVENTION, OR ELECTION. WHERE FILED.

Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any state, shall, within fifteen days *after* such primary election or nominating convention, and in thirty days after any such general or special election, and within thirty days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full correct, and itemized statement of all moneys, etc., received by him, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys, etc., expended by any such candidate, up to, on, and after the day of such primary election, convention or election, or election by the legislature, together with the names of all contributing to aid in his nomination or election. Every such statement shall also include all promises or pledges relative to appointment to office in the County, State or Nation or in any private or corporate employment made to aid in his nomination or election. If none has been made such fact should be distinctly stated. (Sec. 239.)

CANDIDATES FOR SENATOR OR REPRESENTATIVE IN CONGRESS PROHIBITED FROM PROMISING ANY OFFICE OR POSITION TO PROCURE SUPPORT OF CANDIDACY.

No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person in his candidacy. (Sec. 239.)

CANDIDATES FOR U. S. SENATE PROHIBITED FROM CONTRIBUTING TO CAMPAIGN FUND OF A CANDIDATE FOR THE GENERAL ASSEMBLY. MAY CONTRIBUTE TO POLITICAL COMMITTEES.

No candidate for Senator of the United States shall give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds. (Sec. 239.)

LIMITATION ON EXPENDITURES BY CANDIDATES FOR SENATOR OR REPRESENTATIVE IN CONGRESS.

No candidate for Senator or Representative in Congress shall expend more than allowed by the laws of the State where he resides: Provided, A candidate for Representative may expend in the aggregate not to exceed \$5,000.00 and a candidate for the U. S. Senate not to exceed \$10,000.00: Provided, further, that assessments under the laws of his state or for necessary personal expenses for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service shall not be regarded as an expenditure within the meaning of the Federal Corrupt Practices Act. (Sec. 239.)

WHAT SECOND OR SUBSEQUENT STATEMENTS SHALL CONTAIN.

A statement required before an election or election by the legislature need not contain items of which publicity has been given in a previous statement, but the statement after the general election or election by the legislature shall in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements. (Sec. 239.)

ALL STATEMENTS MUST BE VERIFIED.

Every statement required under the Federal Corrupt Practices Act shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths. (Sec. 239.)

WHEN STATEMENT DEEMED FILED.

The depositing of any statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, as the case may be, duly stamped and registered, shall be deemed a sufficient filing of any statement under the Federal Corrupt Practices Act. (Sec. 239.)

FEDERAL CORRUPT PRACTICES ACT DOES NOT ANNUL OR VITIATE THE LAWS OF ANY STATE.

The Federal Corrupt Practices Act shall not be construed to annul or vitiate the laws of any state, not directly in conflict therewith, relating to the nomination or election of candidates for the office therein named, or to exempt any candidate from complying with such State laws. (Sec. 239.)

EXPENDITURES NOT SUBJECT TO THE PROVISIONS OF THE FEDERAL CORRUPT PRACTICES ACT.

Any person may in connection with an election incur and pay from his own private funds for the purpose of influencing or controlling, in two or more states, the results of an election at which Representatives in the Congress of the United States are elected, all necessary personal expenses for his traveling, for stationery and postage, and for telegraph and telephone service, without being subject to the provisions of the Act. (Sec. 240.)

NO LIMIT ON LEGAL EXPENSES TO CONTEST AN ELECTION.

Nothing contained in the Federal Corrupt Practices Act limits or affects the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election. (Sec. 241.)

PENALTY FOR VIOLATION OF THE CORRUPT PRACTICES ACT.

Every person wilfully violating any of the provisions of the Federal Corrupt Practices Act shall, upon conviction, be fined not more than \$1,000.00 or imprisoned not more than one year, or both. (Sec. 242.)

**NATIONAL BANKS AND CORPORATIONS MUST NOT CONTRIBUTE TO CAMPAIGN FUNDS.
PENALTIES.**

National banks and corporations organized by authority of Congress are prohibited from making contributions in connection with any election to any political office.

All corporations are prohibited from making contributions in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any state legislature of a United States Senator.

A corporation violating any of the provisions of this act (35 Stat. L. 1103) is subject to a fine not to exceed \$5,000.00. Officers of a corporation violating the act, who consent thereto, shall be subject to a fine of not less than \$250.00 nor more than \$1,000.00, or imprisonment for not more than one year, or both such fine and imprisonment in the discretion of the Court. (Sec. 228.)

NATURALIZATION.

A foreigner (who is not a Chinaman) and who has resided for one year in the United States and declared his intention to become a citizen of the United States, is entitled to vote under precisely the same conditions as to residence as any citizen. (Sec. 2.) He is eligible to any office under the Constitution of the State of Indiana except governor, lieutenant-governor or member of the general assembly. The declaration of intention may be made at any time before the clerk of any federal court, or of the supreme or any circuit court of the State of Indiana. (See Chapter 8, Naturalization, page 197.)

By an Act of the General Assembly of 1911 (Acts 1911, page 672), it is made unlawful to induce or solicit any alien to declare his intention to become a citizen of the United States, or to pay or offer to pay the fee or any part thereof necessary to assist any alien in declaring his intention to become a citizen of the United States.

EXPLANATION.

The references at the end of the sections are to Thornton's Revised Statutes of 1897; Burns' Revised Statutes of 1894, 1901, 1905, 1908 and 1914 and the Revised Statutes of 1881, and the Acts of 1909, 1911 and 1913. The letters "E. S." refer to Elliott's Supplement" of 1889.

Owing to the law of 1897 substituting the use of a blue pencil for a stamp, in voting, the word "pencil" has been inserted immediately after or before the word "stamp"; "marking" after "stamping," and "marked," after "stamped," wherever these words occur in the law of 1889 or in the amendments thereto.

CHAPTER 1.

CONSTITUTIONAL PROVISIONS.

CONSTITUTION OF THE UNITED STATES.

SEC.

1. Elections.
2. The President.
3. Representative apportioned
4. Official disabilities.

SEC.

5. The rights of voters.
6. Election of senators. §
7. Election of president and vice-president

1. Elections.

The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. (Art. 1, Sec. 4, U. S. Con. R. S. 1914, Sec. 4.)

2. The President.

The executive power shall be vested in a President of the United States of America. He shall hold office during the term of four years and together with the Vice President, chosen for the same term, be elected as follows: Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. But no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive, within that period, any other emolument from the United States, or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States." (Art. 2, Sec. 1, U. S. Con. R. S. 1914, Sec. 11.)

3. Representatives Apportioned.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice for electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officer of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participations in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. (Art. 14, Sec. 2, U. S. Con. R. S. 1914, Sec. 40.)

4. Official Disabilities.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President or hold

any office civil or military under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability. (Art. 14, Sec. 4, U. S. Con. R. S. 1914, Sec. 41.)

5. The Rights of Voters.

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude. (Art. 15, Sec. 1, U. S. Con. R. S. 1914, Sec. 44.)

6. Election of Senators.

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; that each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution. (Art. 17, Sec. 1, U. S. Con. R. S. 1914, Sec. 45b.)

7. Election of President and Vice-President.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State

with themselves; they shall name in their ballots the persons voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be the majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. (Art. 12, Sec. 1, U. S. Con. R. S. 1914. Sec 36.)

CONSTITUTION OF INDIANA

SEC.

8. Elections free.
9. Qualifications of electors.
10. Soldiers—Seamen—Marines.
11. Residence.
12. Bribery.
13. Challenge to duel.
14. Disfranchisement.
15. Effect of holding lucrative office.
16. Defaulters.

SEC.

17. Pro tempore appointments.
18. Electors free from arrest.
19. Method of elections.
20. Time of elections.
21. Election.
22. Manner of voting.
23. Plurality elects.
24. Contests.

8. Elections Free.

All elections shall be free and equal. (Art. 2, Sec. 1, Con. of Ind. R. S. 1914, Sec. 83.)

9. Qualifications of Electors.

(As amended March 14, 1881.) In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law. (Art. 2, Sec. 2, Con. of Ind. R. S. 1914, Sec. 84.)

10. Soldiers—Seamen—Marines.

No soldier, seaman or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have any right to vote. (Art. 2, Sec. 3, Con. of Ind. R. S. 1914, Sec. 85.)

11. Residence.

No person shall be deemed to have lost his residence in the State by reason of his absence, either on business of this

State or of the United States. (Art. 2, Sec. 4, Con. of Ind. R. S. 1914, Sec. 86.)

12. Bribery.

Every person shall be disqualified for holding office during the term for which he may have been elected who shall have given or offered a bribe, threat or reward, to secure his election. (Art. 2, Sec. 6, Con. of Ind. R. S. 1914, Sec. 87.)

13. Challenge to Duel.

Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit. (Art. 2, Sec. 7, Con. of Ind. R. S. 1914, Sec. 88.)

14. Disfranchisement.

The General Assembly shall have power to deprive of the right of suffrage and to render ineligible any person convicted of any infamous crime. (Art. 2, Sec. 8, Con. of Ind. R. S. 1914, Sec. 89.)

15. Effect of Holding Lucrative Office.

No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as by this Constitution expressly permitted: Provided, That offices in the militia, to which there is attached no annual salary, and the office of deputy postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: And provided, also, That counties containing less than one thousand polls may confer the office of Clerk, Recorder and Auditor, or any two of said offices, upon the same person. (Art. 2, Sec. 9, Con. of Ind. R. S. 1914, Sec. 90.)

16. Defaulters.

No person who may hereafter be a collector or holder of public moneys shall be eligible to any office of trust or

profit until he shall have accounted for, and paid over according to law, all sums for which he may be liable. (Art. 2, Sec. 10, Con. of Ind. R. S. 1914, Sec. 91.)

17. Pro Tempore Appointments.

In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term. (Art. 2, Sec. 11, Con. of Ind. R. S. 1914, Sec. 92.)

18. Electors Free from Arrest.

In all cases, except treason, felony, and breaches of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same. (Art. 2, Sec. 12, Con. of Ind. R. S. 1914, Sec. 93.)

19. Method of Elections.

All elections by the people shall be by ballot, and all elections by the General Assembly, or either branch thereof, shall be viva voce. (Art. 2, Sec. 13, Con. of Ind. R. S. 1914, Sec. 94.)

20. Time of Elections.

(As amended March 14, 1881.) All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: Provided, That the General Assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote. (Art. 2, Sec. 13, Con. of Ind. R. S. 1914, Sec. 95.)

21. Election.

The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly. (Art. 5, Sec. 3, Con. of Ind. R. S. 1914, Sec. 129.)

22. Manner of Voting.

In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor and for whom as Lieutenant Governor. The returns for every election for Governor shall be sealed up and transmitted to the Seat of Government, directed to the speaker of the house of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly. (Art. 5, Sec. 4, Con. of Ind. R. S. 1914, Sec. 130:)

23. Plurality Elects.

The persons, respectively, having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more persons shall have an equal, and the highest, number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor, as the case may be. (Art. 5, Sec. 5, Ind. Con. R. S. 1914, Sec. 131.)

24. Contests.

Contested elections for Governor or Lieutenant Governor shall be determined by the General Assembly, in such manner as may be prescribed by law. (Art. 5, Sec. 6. Ind. Con. R. S. 1914, Sec. 132.)

CHAPTER 2.

REGISTRATION OF VOTERS.

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| <p>SEC.</p> <p>25. Elections—Registration of voters.</p> <p>26. County Commissioners—Establishing precincts.</p> <p>27. Registration officials.</p> <p>28. Sessions of boards.</p> <p>29. County Auditor—Registration books.</p> <p>30. Places for registration—Notice.</p> <p>31. Qualifications to register.</p> <p>32. Registration place open—Hours.</p> <p>33. Application to register—Contents.</p> <p>34. Written signature or mark.</p> <p>35. Application in person—Proceedings.</p> <p>36. Books—Filling in data.</p> <p>37. County Auditor—Custody of books, etc.</p> | <p>SEC.</p> <p>38. Voters absent—Registration by affidavit.</p> <p>39. Compensation of board.</p> <p>40. Watchers.</p> <p>41. Police powers.</p> <p>42. Penalty—False registration or statement.</p> <p>43. Penalty—Subscribing name of other person.</p> <p>44. Penalty—Board making false registration.</p> <p>45. Books and papers at election polls.</p> <p>46. Challenge—Not registered.</p> <p>47. City registration.</p> <p>48. Petition for September session.</p> <p>49. Repeal.</p> <p>50. Validity of act.</p> |
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(Acts 1913, page 528. Approved March 11, 1913.)

25. Elections—Registration of Voters.

1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be unlawful for any person to vote at any general election held in this State, unless such person be at the time a registered voter under the requirements of this act.

"This act shall be commonly known and referred to as the Van Auken-Storen Registration Act." (R. S. 1914, Sec. 6977a.)

26. County Commissioners—Establishing Precincts.

SEC. 2. Every order of a board of commissioners in any county in this state establishing, changing, dividing or consolidating election precincts in such county, shall be made not later than their March session in any year in which will occur a general election held on the first Tuesday after the first Monday in November. The precincts shall remain throughout the year as they are established at such March session, or previously. And a notice required by law of the establishment of precincts or changes of boundary shall be given immediately after such March session, if it has not been previously given. (R. S. 1914, Sec. 6977b.)

27. Registration Officials.

SEC. 3. In each calendar year in which will occur in this state a general election, held on the first Tuesday after the first Monday in November, there shall be appointed a registration inspector and two registration clerks for each voting precinct in the several counties of this state. The registration inspector and clerks so appointed shall constitute the registration board of the precinct for which appointed. The registration inspector shall, at the time of his appointment, be a voter and resident freeholder of the township in which the precinct is situate, and shall have resided in said township continuously for at least one year immediately prior thereto, or a resident householder and voter of the precinct, and shall have resided in said precinct continuously for at least two years immediately prior thereto. The registration clerks at the time of their appointment shall be voters and residents of the precinct, and they shall not both be adherents of the same political party. The registration inspector shall be appointed by the board of commissioners of the county at its regular August session preceding such election. The auditor shall notify him of his appointment, and within ten days after such notice he shall qualify by taking oath to support the constitution of the United States and of the State of Indiana and to faithfully and honestly discharge his duties as such registration inspector, which oath shall be in writing and filed in the auditor's office of the county. In case such inspector should fail to qualify within the time prescribed, his position shall be deemed vacant. All vacancies occurring in the office of a registration inspector shall be filled by appointment of the auditor of the county. The registration clerks of the precinct shall be appointed by the inspector, not less than five (5) days before the day of registration. The county chairman of each of the political parties which cast the highest and next highest vote, respectively, in the county at the last preceding general election, shall have the right to nominate one of the clerks of the registration for each precinct, provided he do so in writing at least ten (10) days before said session, and the inspector shall appoint the persons so nominated, respectively; *Provided*, That if either or both the chairmen of said political parties should fail to so nomi-

nate, then the inspector shall appoint the clerk or clerks without such nomination. The clerks shall each before entering upon the discharge of their duties, take an oath in writing to support the constitution of the United States and the State of Indiana, and to faithfully and honestly discharge their duties as registration clerks, which oath shall be returned by the inspector to the auditor of the county and filed in the auditor's office at the time the inspector returns other papers hereinafter required immediately after the session of said board. The inspector and clerks shall hold their office from the time of their appointment until the day of the ensuing general election. The members of such registration board shall be eligible as members of the regular election board. (R. S. 1914, Sec. 6977c.)

28. Sessions of Board.

SEC. 4. The registration board of each voting precinct of this state shall hold in such precinct a session in each year in which a general election will occur. Such session of the board shall be held on Monday, the 29th day before such election, and shall be designated the regular session of the board. (R. S. 1914, Sec. 6977d.)

29. County Auditor—Registration Books.

SEC. 5. The auditor of each county shall make, or cause to be made, and delivered to the registration inspector of each precinct in the county, ten (10) days or more before the session of the registration board, two (2) blank forms of registration books and a sufficient number of blank applications for registration, and other necessary stationery. Each registration book shall be covered with tag, have a proper caption, with blanks to adjust it to any precinct, and shall be ruled in ten (10) columns, headed, respectively: number, name, residence; where born, when came to United States, when and where naturalized, when and where declared intention; where resided since October last; remarks; and shall contain a sufficient number of leaves to allow for registration of all voters in a precinct, with the memoranda required to be made after the names as elsewhere provided by this act, and also for an alphabetical index at the back of the book of the names registered, with

reference to their numbers, respectively. The application blanks shall be of such form as are suitable for their purposes under the requirements of this act. (R. S. 1914, Sec. 6977e.)

30. Places for Registration—Notice.

SEC. 6. The county commissioners of each county in the state shall, at least fifteen (15) days before the session of the board of registration provide for and secure in each precinct of the county a suitable room in which the board shall sit during its session, and, if practicable, they shall secure the same room in which the election is to be held. The room shall not be one in which spirituous, vinous, malt or other intoxicating liquors are kept or sold. The auditor of the county shall give ten (10) days' notice of the time and place of the session of the board of registration, by one publication in one newspaper of general circulation of each of the two political parties which cast the highest vote, respectively, in the county at the last preceding general election printed and published in the county, if such there be, and he shall cause to be prepared and delivered to the registration inspector of each precinct in the county, at least ten (10) days before the session of the board of registration, fifteen (15) printed forms of notice of the time and place of such session, with blanks therein as to the township, precinct and place of the session, that by filling the blanks the printed notices may be suitable for any precinct in the county. The inspector of the precinct shall fill the blanks, in writing, properly for his precinct and at least eight (8) days before such session of the board post the same in at least five (5) public places in the precinct and in as many other places as he may deem proper, or cause them to be so posted. The notices so posted shall have for caption: "Important notice to voters of registration," and in the body the notice shall state in effect among other things: "Every voter of the precinct is required to register at a session of the board, unless prevented by sickness of himself, or his unavoidable absence from the county, or by reason of his being quarantined. If he fails to so register, he will have no right to vote at the November election. It shall be the duty of the registration inspector to go to the county auditor's office, at least ten (10) days before the session of the board, and

receive from the auditor registration books, blanks, and other stationery for each precinct. When he has received the blank forms of application, he may place portions of them at such place or places and in such hands in the precinct so that voters therein may conveniently obtain them before the day of registration. He shall retain a sufficient portion in his own hands to deliver to voters who may apply for them before such date, and shall retain till the day of registration, and have at the place of registration on that day, a sufficient portion to supply all voters of the precinct that may apply for them there. The registration inspector shall cause the members of the registration board to be furnished with good, plain and substantial meals during the time they are in session. The expense of registration and preparation therefor, and returns thereof, shall be paid out of the county treasury by the board of commissioners as election expenses are paid; and the county council shall, in due season, make the necessary appropriations therefor. (R. S. 1914, Sec. 6977f.)

31. Qualifications to Register.

SEC. 7. At the session of the board of registration every male person who, at the time resides in the precinct in which he applies for registration, and who will be of the age of twenty-one (21) years or upward at the next ensuing November election, and is a citizen of the United States, or if not a citizen of the United States, who, if he continues to reside in the precinct till the next following November election, will at that time have resided in the State of Indiana during the six (6) months and in the United States during the one (1) year immediately preceding such election, and who shall have resided in the township sixty (60) days and in the ward or precinct thirty (30) days before such election, if he continues to reside in such precinct until such election, shall be entitled, upon proper application, to be registered in such precinct. No other person or persons shall be entitled to be so registered. Nothing in this act shall be construed as qualifying or attempting to qualify any person to vote at any election, even though registered, who would not be so qualified if there were no registration act in force in this state; the purpose of this act being to provide for and require registration in addition to the re-

quirements of the election laws and the constitution of the State of Indiana. (R. S. 1914, Sec. 6977g.)

32. Registration Place Open—Hours.

SEC. 8. The board of registration, at its regular session, shall be in session for receiving applications and registering names from the hour of six o'clock a. m. till the hour of nine o'clock p. m. and if necessary to accommodate the voters, during like hours of the next succeeding one or two days, when so requested in writing by ten voters of the precinct, three of whom shall be freeholders.

When the board closes its session for the receipt of applications, it shall remain in session until it has fully completed its registration books and signed up and certified the same, and done the other things required in this act. When the board opens its session for the receipt of applications, each clerk of the board of registration shall take one of the registration books and register therein the names in the order of application, and other things required by this act. (R. S. 1914, Sec. 6977h.)

33. Application to Register—Forms.

SEC. 9. Before any applicant shall present himself to the board for registration, he shall make, or cause to be made in writing, or partly in writing and partly in print, in the English language, an application showing the following: His name; that he resides in the precinct in which he desires to be registered; the place of his residence in the precinct; his age on the last preceding anniversary of his birthday; if born in the United States, in what state, territory or district he was born; if not born in the United States, in what country he was born; if foreign born, whether he has been naturalized under the laws of the United States, and, if so, when and where naturalized; if foreign born and not naturalized, whether he has declared his intention to become a citizen of the United States conformably with the laws thereof on the subject of naturalization; if so, when and where; if foreign born and not naturalized, when he came to the United States; at what place or places he has resided during all the time since the last day of the preceding registration, and the length of time he has resided in

each place, if more than one. In such application, it shall be a sufficient showing of the place in the precinct at which the applicant resides, if situate outside of a town or city, if it show the name of the owner or reputed owner of the real state on which the applicant resides, and, if inside a city or town, if it show the street and street number of the house in which he resides, and if his residence has no street number, if it show the character of the house, as to whether frame, brick, or other material, one or more stories, on what street or alley it is situate, and on which side thereof, and the nearest cross streets between which it is situate. If a native-born applicant or a citizen of the United States, by reason of the naturalization of his father, residing outside of a city or town, a form of application after the manner of the following shall be sufficient:

....., 19...

My name is John Doe. I reside in precinct No. 2, Warren Township, Marion County, Indiana, on land known as Richard Roe's. I was fifty years of age on the 10th day of January, 1912. Since the last registration I have resided at the following places:
I was born in the State of Ohio (or my father was naturalized as a citizen of the United States when I was a minor).

Signature.....

If a foreign-born applicant, who has not been naturalized, but has declared his intention, and resides in a town whose houses have no street numbers, the following shall be a sufficient form:

....., 19...

My name is John Doe. I reside in precinct No. 2, ward No. 3, in the town of, in Hancock County, Indiana, in a two-story frame house, situate on Spruce street and on the west side thereof, between Fourth and Fifth streets. I was fifty (50) years of age on the 10th day of January, 1912. I was born in Germany. I arrived in the United States on the 4th day of September 1910. I declared my intention to become a citizen of the United States conformably to the laws thereof touching naturalization, at Columbus, Ohio, on the 15th day of September, 1911. I have resided in the United States continuously since Oc-

tober 31 last at the following places: From October, 1911, to January 1, 1912, at Columbus, Ohio; from January 1, 1912, to February 1, 1912, at Cincinnati; Ohio; from February 1, 1912, until the present time at the place where I now reside.

Signature.....

(R. S. 1914, Sec. 6977i.)

34. Written Signatures or Mark.

SEC. 10. Every application for registration shall be signed with the name of the applicant in his own handwriting and in the English language, if he be able to write his name in the English language, and, if not, then in any language that he may be able to write. If he is not able to write in any language, he may procure some resident of the township to write his name for him, and he shall make his mark. But the person so writing his name shall also write his own name on the instrument as attesting witness. It shall be unlawful for any person to write the name of an applicant to an application unless he is personally acquainted with such applicant, and if he writes the name of an applicant to an application, he must write his own name in attestation. (R. S. 1914, Sec. 6977j.)

35. Application in Person.

SEC. 11. In order to become registered the applicant shall, unless he is sick, quarantined, or unavoidably absent from the county, appear in person and announce his name to the board and present his application. The board shall take the application and observe if it be signed with his name. If so signed but not attested, any member of the board may inquire of him if the name is in his handwriting and if, after such inquiry, the board or any member thereof feels, that they, or he, has reason to doubt whether the signature is in the handwriting of the applicant, the board may require him to write his name in their presence on the back of the application. If the applicant state that the signature is in his handwriting, or, when required, write his name on the back thereof in the presence of the board, or if it appear that the application is duly signed and attested, his name shall then be written in both of the registration books in the column of registration and numbered in its regular order,

and both clerks shall endorse their initials on the back of the application, and it shall be numbered to correspond with the number of the registry name, and the board shall announce to the applicant the number of his name. The applicant shall then retire. If there be other applicants ready to register, the board shall proceed with them in the same manner. (R. S. 1914, Sec. 6977k.)

36. Books—Filling in Data.

SEC. 12. At any time during the day when the time of the board is not taken in receiving applications and writing the names in the registration books, etc., the clerks may proceed to fill out the various columns of their registration books by inserting in the proper column, after each name, the data contained in the application, and indicated by the heading of the columns; and, when the board is closed for the receipt of applications in the evening, it shall remain in session until the clerks have completed both registration books by inserting in the columns thereof from each application, the data which there belongs; and on each book, immediately below the last name registered, they shall each day place this certificate which shall be signed by the members of the board:

“The above is a correct registration of all applications received by the board of registration, for the precinct, in the city or town of township in the county, at its session, and on the day of, 19....”

And the board shall arrange all applications received in regular order as to number and securely enclose the same in a paper wrapping, and endorse the same as applications received at the session of the board of registration, of the precinct, city or town, and township (naming them). The inspector shall take charge of the registration books and all said packages and within two days deliver them to the auditor of the county in his office. (R. S. 1914, Sec. 6977l.)

37. County Auditor—Custody of Books.

SEC. 13. The auditor of the county shall keep said registration books and packages in his office in such place or receptacles as they will be secure; he shall in no event allow

any of them to be taken from his office except as provided by this act. But at least one of the registration books shall be open to examination by the public and to be copied from as any other public record. (R. S. 1914, Sec. 6977m.)

38. Voters Absent—Registration by Affidavit.

SEC. 14. Any person who will be entitled to vote at such election and who on the day and at the time of such regular registration is unable to register at such session of said board of registration, by reason of the sickness of himself, or by reason of his unavoidable absence from the county, or by reason of his being quarantined, shall be entitled to register, without appearing before the board of registration in person, by making a similar application to what would be required of him if he was applying for registration to the board of registration in person, as provided in section nine of this act, and, in addition, he shall state in such application that on the day and at the time of the regular session of the board of registration of his precinct, he is, or will be, unavoidably absent from the county, stating his whereabouts on the day or days of registration, or is sick, or is quarantined, as the case may be, and that thereby and by reason thereof he is prevented from registering in person at said session of said board. Such application shall be signed and sworn to by such applicant before an officer authorized by law to administer oaths and having an official seal; and two freeholders residing in such precinct shall certify on said application that they are acquainted with such applicant, and that he is the person he represents himself to be and that the facts stated in his application are true. Such application when so certified and sworn to shall be delivered to the board of registration of the precinct in which said applicant resides by any registered voter of the precinct on the 29th day before such election during the time said board is sitting for the purpose of receiving applications to register, and if such board find that such application conforms to the provisions of this act, they shall place the name of such applicant on the registration books in the same manner as if the application had been presented in person, as provided in this act. Any person who shall make a false statement in his affidavit as to his qualifications as a voter or as to the cause of his inability to appear before such board and register in

person, and any person who shall certify to facts contained in any application to register as provided in this act, which facts are not true, shall be guilty of a felony, and upon conviction shall be imprisoned for not less than one year, nor more than five years, and fined in any sum not exceeding five hundred dollars, and disfranchised for any determinate period. (R. S. 1914, Sec. 6977n.)

39. Compensation of Board.

SEC. 15. The inspector of registration shall receive for his services in and about said registration performed including the services required to be performed by him, both before and after the day of registration, the sum of three dollars (\$3.00) and in addition thereto he shall be paid a sum equal to ten cents per mile for each mile of the shortest distance between his residence and the auditor's office. The clerks of such board shall receive for all services performed by them the sum of three dollars (\$3.00): *Provided*, That if such board of registration is in session for the purpose of registration for two or more successive days, then each member of said board shall receive an additional three dollars for each of such succeeding days. (R. S. 1914, Sec. 6977o.)

40. Watchers.

SEC. 16. While the registration board is in session, it shall permit to be in the room one person as watcher from each political party in the county, if such person have written authority from the county chairman of such party. The board shall not permit more than three persons to be in the room at any one time, other than the watchers and members of the board. (R. S. 1914, Sec. 6977p.)

41. Police Powers.

SEC. 17. Each member of the board of registration, while in session, shall be a conservator of the peace, and shall have the right to arrest any person who creates any disturbance in or around the room of the board, or offers any interference with the work of the board or people appearing for the purpose of registration, or who violates any

law of the state in the presence or hearing of the board and he shall have the right to command bystanders to assist in making such arrest and in detaining such person until a warrant can be obtained for him. (R. S. 1914, Sec. 6977q.)

42. False Registration—Penalty.

SEC. 18. It shall be unlawful for any person who is not a voter, and who will not be a voter at the next ensuing general election, to apply for registration in any election precinct in this state, or to procure himself to be registered thereat as a voter; and it shall be unlawful for any person to make any false statement in any application that he may present to the board of registration for the purpose of procuring himself to be registered, and it shall be unlawful for him to present any application containing a false statement. Any person violating any of the provisions of this section shall, on conviction be imprisoned not less than one (1) year nor more than five (5) years and fined in any sum not more than five hundred dollars (\$500.00), and disfranchised for any determinate period. (R. S. 1914, Sec. 6977r.)

43. Subscribing Name of Other Person—Penalty.

SEC. 19. It shall be unlawful for any person to subscribe the name of any other person to any application for registration in any precinct of this state, if such person knows such application to contain a false statement, and it shall be unlawful for any person to subscribe the name of any other person to any such application for registration without writing his own name thereon as an attesting witness. And it shall be unlawful for any person other than a member of said board of registration, to enter a name on said registration books. Any person convicted of violation of any provision of this section shall be imprisoned not less than one (1) year nor more than five (5) years and fined in any sum not exceeding five hundred dollars (\$500.00), and disfranchised for any determinate period. (R. S. 1914, Sec. 6977s.)

44. Board Making False Registration—Penalty.

SEC. 20. Any member of the board of registration or any public officer, upon whom any duty is imposed by this

act, who shall wilfully neglect to perform such duties, or do any act prohibited herein for which punishment is not otherwise provided, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not less than six months nor more than three years, and by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and be disfranchised and rendered ineligible of holding any office for any determinate period not less than five years. (R. S. 1914, Sec. 6977t.)

45. Books and Papers at Election Polls.

SEC. 21. At the time tickets and other supplies are received by the inspector of the elections for the November election, he shall also receive from the auditor the registration books, registration applications and affidavits returned by the registration board, and shall have those present at the election precinct on the day of the election, and within three days thereafter shall return them to the auditor. (R. S. 1914, Sec. 6977u.)

46. Challenge—Non-registration.

SEC. 22. In addition to the grounds of challenge of a voter or proposed voter at the election, it shall, hereafter, be a ground of challenge that the person offering to vote is not registered. The person so challenged, shall not be permitted to vote until he make and present an affidavit that he is registered and that he is the identical person who is registered under the name under which he intends to vote. Upon such challenge, the election officers of the precinct shall inspect the application for registration, and if they be satisfied that the affidavit of such person is false, they shall order his arrest at once: *Provided*, That no person shall be allowed by the officers to vote at the election whose name is not registered, even though there be no challenge on that ground. (R. S. 1914, Sec. 6977v.)

47. City Registration.

SEC. 23. In an election in any city of the first or second class of this state, there shall be required a registration of voters, complying with the provisions of this act; except

that in the registration of voters therein the inspector of registration shall be appointed by the clerk of the city and the clerk of the city shall perform all the duties required by this act of the auditor of the county. The duties herein required of the board of commissioners shall be performed by the city council, and the rights of nomination of registration officers by chairmen of political parties of the county in this act, may be exercised by chairmen of the city committees of the political parties, if such there be. The city officers shall be required to perform the various duties herein prescribed for the county officers in whose stead they act, subject to the same penalties and provisions herein prescribed as to such county officers. The city shall appropriate for and defray the expenses of such registration, in the same manner as it defrays the expense of a city election. (R. S. 1914, 6977w.)

48. Petition for September Session.

SEC. 24. That upon a petition signed by three hundred (300) resident freehold voters of any county filed with the county auditor at least eighty (80) days before such election there shall be held in each precinct of such county a session of the board of registration of one day only on the fifty-ninth (59th) day before such election, which session shall be known as the September session of said board: *Provided, further,* That except as in this section otherwise provided, all the provisions of this act concerning the regular session of said board of registration shall so far as applicable apply to such September session if petitioned for and held. The qualifications of the persons signing such petition shall be verified by one or more of such signers: Any person, having registered at such September registration and registering also at the regular session shall in his application at the regular session state in what precinct he registered at the September session, and shall produce and deliver to the inspector at the regular session a copy of the record of his registration at the September registration, certified under the hand and seal of the auditor of the county where registered. Such auditor shall deliver such certificate to such person only upon such person filling an application in writing stating that since the last registration

he has changed his residence from the precinct where registered, and the auditor shall make a note thereof on each registration book of the precinct where such person registered at such September registration. (R. S. 1914, Sec. 6977x.)

49. Repeal.

SEC. 25. To the extent that any law heretofore passed is in conflict with the provisions of this act, the same is hereby repealed. The act entitled "An act providing for registration of voters, and matters connected therewith," approved March 4, 1911, is hereby expressly repealed.

50. Validity of Act.

SEC. 26. In case any of the provisions of this act shall be held invalid, such fact shall not operate to make invalid any other part of this act, and the parts of this act not adjudged to be invalid shall be observed and enforced the same as though the invalid part or parts had not been enacted. (R. S. 1914, Sec. 6977y.)

CHAPTER 3.

ELECTIONS.

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ART.

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[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

51. When Held—What Offices Filled.

1. A general election shall be held on the first Tuesday after the first Monday in November in the year one thousand eight hundred and eighty-two, and biennially thereafter on the same day, at which election all existing vacancies in office, and all offices the terms of which will expire before the next general election thereafter, shall be filled, unless otherwise provided by law. (R. S. 1908 and 1914, §6874; R. S. 1901, §6190; R. S. 1897, §6480; R. S. 1894, §6190; R. S. 1881, §4678.)

52. Certificate of Clerk—Notice of Sheriff.

2. The Clerk of the Circuit Court shall, at least twenty days before such election, certify to the Sheriff of his county what officers are to be elected; and such Sheriff shall give fifteen days' notice thereof, by posting up, at all usual places of holding such elections, a copy of such certificate, and by one publication thereof in some newspaper of his county, if any there be, and by delivering a copy thereof to the Township Trustee of each township within the county. But no election shall be invalidated by the failure of such Clerk or Sheriff in the performance of any of the duties enjoined by this section. (R. S. 1908 and 1914, §6875; R. S. 1901, §6191; R. S. 1897, §6481; R. S. 1894, §6191; R. S. 1881, §4679.) (This notice should also notify the voters that the question of a constitutional convention will be voted upon at the general election held November 3, 1914. See Acts 1913, p. 814.)

53. Qualifications of Electors.

3. All elections shall be free and equal, and in all elections every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in this State during the six months, in the township sixty days, and in the ward or precinct thirty days immediately preceding such election; and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, and shall have declared

his intention to become a citizen of the United States, conformable to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside. (R. S. 1908 and 1914, §6876; R. S. 1901, §6192; R. S. 1897, §6482; R. S. 1894, §6192; R. S. 1881, §4680.)

54. Who Disfranchised.

4. Every person undergoing a sentence of imprisonment on conviction for any felony or misdemeanor shall be disfranchised during the period of such imprisonment. (R. S. 1908 and 1914, §6877; R. S. 1901, §6193; R. S. 1897, §6483; R. S. 1894, §6193; R. S. 1881, §4681.)

55. Soldiers, Seamen and Marines.

5. No soldier, seaman, or marine, in the army or navy of the United States or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote. (R. S. 1908 and 1914, §6878; R. S. 1901, §6194; R. S. 1897, §6484; R. S. 1894, §6194; R. S. 1881, §4682.)

56. Residence.

6. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of this State or of the United States. (R. S. 1908 and 1914, §6879; R. S. 1901, §6195; R. S. 1897, §6485; R. S. 1894, §6195; R. S. 1881, §4683.)

57. Elector's Freedom from Arrest.

7. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to election, during their attendance there, and in returning from the same. (R. S. 1908 and 1914, §6880; R. S. 1901, §6196; R. S. 1897, §6486; R. S. 1894, §6196; R. S. 1881, §4684.)

[1857, p. 35. Approved March 4, 1857. In force August 24, 1857.]

58. Betting on Election.

1. Any person who shall bet or wager any money or other valuable property on the result of any election in this

or any other State, shall, upon conviction thereof, forfeit and pay to the State of Indiana, for the benefit of the common school fund, any sum not less than the amount so bet or wagered, nor more than twice said amount. (R. S. 1908 and 1914, §6881; R. S. 1901, §6197; R. S. 1897, §6487; R. S. 1894, §6197; R. S. 1881, §4685.)

[1907, p. 659. Approved March 13, 1907. In force April 9, 1907.]

59. Precincts.

1. The County Commissioners of each county in this State shall, at their first session after the taking effect of this act, divide the townships of their respective counties into election precincts, and establish the boundaries of the same. Such Board of Commissioners shall designate at least one place of holding elections in each precinct, and every township in which only one place of holding election is designated shall constitute a precinct. Each precinct shall contain, as nearly as practicable, two hundred and fifty electors, based on the number of votes cast at the last election for presidential electors, but no precinct shall contain more than two hundred and fifty electors. If at any election hereafter, two hundred and fifty or more votes should be cast at any voting place, it shall be the duty of the Inspector in such precinct to report the same to the Board of County Commissioners, who shall at their next regular meeting divide such precincts as nearly as possible, so that the precincts formed thereof shall each contain two hundred and fifty electors as nearly as practicable, but no precinct shall contain more than two hundred and fifty electors, and report such division to the Clerk of the Circuit Court of each county and to the Governor of the State, together with the estimated votes of each of the new precincts. If twenty-five electors of any township in which there is only one voting precinct where there were two hundred votes cast at the last election for presidential electors, shall by their written petition, addressed to the Board of County Commissioners represent that it will be to the convenience of the public and for the public good to change, divide or consolidate such precinct, and if the Board of Commissioners shall be convinced that it will be to the convenience of the public or for the public good to change, di-

vide or consolidate such precinct, such Board shall make an order to change, divide or consolidate such precinct as they may think best, and shall report such change, division, or consolidation to the Clerk of the Circuit Court of such county, and to the Governor of the State, together with the estimated votes of each of the new precincts. If such Board shall fail to act as herein elected, any qualified voter of the county may apply for a writ of mandamus, to compel the performance of this duty: Provided, however, That nothing contained in this act shall apply to any county in this State wherein they use "voting machines." (R. S. 1908 and 1914, §6882; R. S. 1901, §6198; R. S. 1897, §6488; R. S. 1894, §6198; E. S., §1323.)

NOTE.—Precincts in which voting machines are used may contain six hundred votes. Acts 1903, p. 278; R. S. 1905, §6329; R. S. 1908, §7024: post, §221.

[1891, p. 154. Approved March 6, 1891. In force June 3, 1891.]

60. Boundaries of Precincts—Changes.

2. The Board of Commissioners of any county may change the boundaries of any precinct within such county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, or change any place of holding elections whenever public convenience or the public good may require it: Provided, That no such change, division or consolidation shall be made after the June term of such Commissioners' Court next preceding an election: And, Provided further, That no such change, division or consolidation shall be valid without giving due notice, at least one month before any election, by one publication in two newspapers published in said county, representing the two political parties which cast the highest number of votes in the State at the last general election, and by posters put up in four of the most public places in each precinct: And, Provided further, That no precinct shall be enlarged so as to contain more than two hundred and fifty electors. (R. S. 1908 and 1914, §6883; R. S. 1901, §6199; R. S. 1897, §6489; R. S. 1894, §6199.)

NOTE.—The time for making changes in the boundaries of precincts has been changed by Section 15, *supra*.

[1897, p. 190. Approved and in force March 6, 1897.]

61. Election Officers.

3. Township Trustees shall, by virtue of their office, be Inspectors of Elections in the precincts in which they respectively reside, and shall, prior to the opening of the polls in such precincts, appoint as Judges of Elections two qualified electors of such precinct, who shall have been freeholders and resident householders therein for at least one year, or householders for at least two years next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes in the State at the preceding general election: Provided, If no persons that are qualified will consent to serve as such Judges, or that if there are no persons residing in any precinct qualified to act as Judges of Election, by reason of the fact that they have not been resident householders within such precinct for one year, then in that case the Township Trustee shall appoint two qualified electors of such precinct as such Judges: And, Provided further, That if at least one week or more prior to such election the Chairman of the County Central Committee of either of the two parties that cast the largest number of votes in the State at the last general election shall designate a member of such party as Judge, having the same qualifications as above prescribed, he shall be appointed, and such Judges, together with the Inspector, shall constitute a Board of Election. No person shall be eligible as a member of the Board of Election who has anything of value bet or wagered on the result of such election, or is a candidate to be voted for at such election, or who is father, father-in-law, son, son-in-law, grandfather, grandson, brother, brother-in-law, uncle, nephew, first or second cousin of any candidate at such election. If at any time before, or during an election, it shall be made to appear to any Inspector, by the affidavit of two or more qualified electors of the precinct, that either of the Judges is disqualified under the provisions of this Act, he shall at once remove such Judge and fill the place with a qualified person of the same political party as the Judge removed; and, in case such disqualified Judge shall have taken the oath of office hereinafter prescribed, the Inspector shall place such oath and affidavit before the next grand jury of the county. (R. S. 1908 and 1914, §6884; R. S. 1901, §6200; R. S. 1897, §6490.)

[1901, p. 437. Approved March 11, 1901. In force May 16, 1901.]

62. Inspectors and Election Board.

4. Whenever any Board of County Commissioners shall designate more than one precinct in any township, it shall, at the September term of said Board, next preceding any election, appoint in each precinct in which no Township Trustee resides, as Inspector of such election, some qualified voter of such precinct, who shall have been a freeholder and resident householder in such precinct for at least one year, or a resident householder for at least two years next preceding such election: Provided, That if no person thus qualified will consent to serve as such Inspector, or if there is no person residing in any precinct qualified to act as Inspector by reason of the fact that he has not been a freeholder and resident householder in such precinct for one year, or a resident householder in such precinct for two years preceding such election, such Board of County Commissioners shall appoint some qualified elector of such precinct as such Inspector. Such Board of County Commissioners shall hold a special session one week before each election, and shall fill all vacancies that may have occurred in the office of Inspector, and shall fill any vacancy occurring thereafter at any regular or called session of the Board previous to the election. Such appointed Inspector shall, before the time of opening the election in his precinct, appoint two Election Judges, if the same have not already been appointed, as hereinbefore provided, in the same manner and under the same requirements as provided for Township Trustees acting as Inspectors; and such Judges and Inspectors shall constitute the Board of Election for such precinct. If any member of an Election Board shall fail to appear at the hour appointed for the opening of the polls, the remainder of the Board shall select a member of his political party to serve in his stead: Provided, That if the qualified electors of his party present at the polls shall nominate a qualified person for such vacancy, such nominee shall be appointed. If none of the members of an Election Board shall appear at the hour appointed for opening the polls, the qualified electors present shall elect a Board viva voce, as nearly as possible in

conformity with the provisions hereof. (R. S. 1908 and 1914, §6885; R. S. 1901, §6201.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

63. Poll Clerks.

5. Such Board of Election shall appoint as Poll Clerks two qualified electors of such precinct, one from each of the two parties that cast the largest vote in the State at the last general election: Provided, That if, four days or more prior to such election, the Chairman of the County Central Committee of either of the two parties that cast the largest number of votes in the State at the last general election shall designate a member of such party as Poll Clerk, such nominee shall be appointed. (R. S. 1908 and 1914, §6886; R. S. 1901, §6202; R. S. 1897, §6492; R. S. 1894, §6202; E. S., §1327.)

64. Blank Forms.

6. The Auditor of each county in the State shall make out and cause to be delivered to the Inspectors of the several precincts in their respective counties, at least ten days previous to any election, a suitable number of blank forms of poll books, containing one column headed "Names of Voters," and an additional column headed "Number of Voters" [votes], and also forms of election returns, with the proper captions, forms of oaths, and forms of certificates and tally papers necessary to be used in all elections hereafter held in this State. (R. S. 1908 and 1914, §6887; R. S. 1901, §6203; R. S. 1897, §6493; R. S. 1894, §6203; E. S., §1328.)

65. Officers' Oaths.

7. Before any election shall be opened, the Inspector and Judges shall each make oath to support the Constitution of the United States and of this State; to faithfully and impartially discharge the duties assigned by law; that they will not knowingly permit any person to vote who is not qualified, and not knowingly refuse the qualified vote of any elector, or cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualifications of such person as an elector;

that they will not disclose or communicate to any person how any elector voted or how any ballot was folded, marked or stamped; and that they are now and for one year next preceding have continued to be bona fide residents and freeholders, or bona fide householders, for at least two years, of the township in which such precinct is situated; and that they have nothing of value bet or wagered upon the result of said election, and are not candidates at said election, and that they are not related to any person to be voted for at said election, within the degrees named in Sec. 3 of this Act; which oath shall be in writing or printed, and shall be subscribed and executed before some person authorized by law to administer oaths, which officer shall attach thereto his jurat; and such oath shall then be attached to the poll book, and with it return [returned] to the Clerk's office of his county, as hereinafter provided.

Which oath shall be in the following form:

STATE OF INDIANA, }
 County, }ss:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and of this State; that I will faithfully and impartially discharge the duties as Inspector or Judge of Election assigned by law; that I will not knowingly permit any person to vote who is not qualified, and will not knowingly refuse the vote of any qualified elector, or cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as an elector; that I am now and have been continuously for one year next preceding this date a bona fide resident freeholder (or a bona fide resident householder for at least two years next preceding this date) of the township in which the precinct in which I am to act as a member of the Election Board is situated; and that I will not disclose or communicate to any person how any elector has voted at such election, or how any ballot has been folded, [or] marked or stamped;* that I have nothing of value bet or wagered

*The word "stamped" is repealed.

upon the result of said election, and am not a candidate at this election, and am not related to any person to be voted for at this election within the degree named in Sec. 3 of the election law.

Subscribed and sworn to before me this.....day of.....

(R. S. 1908 and 1914, §6888; R. S. 1901, §6204; R. S. 1897, §6494; R. S. 1894, §6204; E. S., §1329.)

66. Administering Oaths.

8. If no person present be authorized by law to administer the oath of office, the Inspector shall administer the same to the Judges, and one of the Judges shall then administer said oath to the Inspector. (R. S. 1908 and 1914, §6889; R. S. 1901, §6205; R. S. 1897, §6495; R. S. 1894, §6205; E. S., §1330.)

67. Duties of Inspector.

9. The Inspector shall be Chairman of such Board, and before the reception of any votes shall administer an oath to the Clerks of the election that they will faithfully discharge their duties as such. After the organization of the Board of Election the Inspector may administer all necessary oaths which may be required in the discharge of its duties, and all oaths shall be written or printed, and shall be signed by the persons making such oaths in the presence of such Board of Elections, and the person administering such oaths shall affix his jurat thereto, and said affidavit shall be attached to and returned with the poll list to the office of the County Clerk. The oaths herein prescribed for the Clerk of Elections shall be in the following form, namely:

STATE OF INDIANA, }
.....County. } ss.

I do solemnly swear (or affirm, as the case may be) that I will faithfully and honestly discharge my duties as Clerk of the Election.....Precinct and.....Ward (.....or.....Township) in.....County, Indiana, and that I will not disclose or communicate to any person

how any elector voted, or how any ballot was folded, [or marked or stamped.*

Subscribed and sworn to before me this.....day
of.....

(R. S. 1908 and 1914, §6890; R. S. 1901, §6206; R. S. 1897, §6497; R. S. 1894, §6206; E. S., §1331.)

68. Ballot Boxes.

10. The Board of County Commissioners of each county shall provide, at the expense of the county, two ballot-boxes, one painted red, for the reception of the ballots prepared by the State Board of Election Commissioners, and one painted white, for the reception of the ballots prepared by the County Board of Election Commissioners for each precinct; each ballot-box shall have at least two locks of different kinds and combinations, so that the key of one will not unlock the other, and be otherwise so constructed as to contribute toward the prevention of fraud. (R. S. 1908 and 1914, §6891; R. S. 1901, §6207; R. S. 1897, §6497; R. S. 1894, §6207; E. S., §1332.)

69. Ballot Boxes, How Constructed—Keys.

11. An opening shall be made in the lid of each box sufficient only for a single ballot; and, at the time the election is opened, the Inspector and Judges shall see that there are no ballots in the box before the voting beings, and shall thereupon securely lock the box, and give one key to one of the Judges who is in politics opposed to the Inspector, the Inspector retaining the other key; and the same shall not be again opened until the polls are closed, and the Board is ready to immediately proceed with the counting. (R. S. 1908 and 1914, §6892; R. S. 1901, §6208; R. S. 1897, §6498; R. S. 1894, §6208; E. S., §1333.)

[Acts 1899, p. 539. In force April 28, 1899.]

70. Opening Polls—Closing.

12. The election shall be opened in the forenoon at the hour of six o'clock and continue open until four o'clock

*The word "stamped" is repealed.

in the afternoon, after which the Board may close the election at any time, when all the electors have voted, or when fifteen minutes have passed without a vote having been tendered; but the polls shall, in no case, be kept open after six o'clock of the afternoon; and the polls shall not be closed after four o'clock and before six o'clock except by the unanimous consent of all the members of the Election Board; but whenever the polls are closed, proclamation must be made of the fact of such closing by the Inspector, to the people outside, in a loud and audible tone of voice, and a minute of such proclamation, and of the time when the same was made, must be entered on the tally papers by the Clerks, and after such minute has been made no more votes shall be received. (R. S. 1908 and 1914, §6893; R. S. 1901, §6209.)

71. Where Elector Votes.

13. Each elector shall vote by ballot in the precinct where he resides. (R. S. 1908 and 1914, §6894; R. S. 1901, §6210; R. S. 1897, §6500; R. S. 1894, §6210; E. S., §1335.)

1. The remainder of this section and the amendment of 1891 (p. 350) were declared unconstitutional. *Morris vs. Powell*, 125 Ind. 281; and *Brewer vs. McClellan*, 144 Ind. 423.

[1897, p. 274. Approved March 8, 1897. In force April 14, 1897.]

72. Polling Precincts.

1. Any political or civic party, association or organization may, at any time prior to any general or other election, take a poll of voters qualified to vote at the next ensuing election, in any district, county, township, municipality, ward, precinct or precincts of the State: Provided, The chairman or president, or other chief officer of the party, association or organization taking such poll shall issue to the person or persons employed in taking the poll a certificate showing the nature of such employment and the party organization or association for which such poll is to be taken. (R. S. 1908 and 1914, §7049; R. S. 1901, §6336; R. S. 1897, §6501.)

73. Giving Information to Poll-Takers.

2. It shall be the duty of every person to whom application is made for information in regard to such poll to fur-

nish to the poll-taker, upon the exhibition of such certificate, all information in the possession of the person to whom application is made with regard to the names, residence, and other qualifications in regard to voting of any and every person within such district, county, township, municipality, ward or precinct; and it shall be the duty of every proprietor or manager of every boarding house, lodging house, restaurant, hotel, building or other place within which persons are lodged, to obtain a complete and accurate list of all legal voters domiciled in such boarding house, lodging house, hotel, or other place, not less than sixty days prior to each election, which list shall state the name, age, occupation, place of business, and place of previous residence, with the length of residence in the State, county, township, precinct and ward, of each person named thereon, and such list shall be retained by such owner or manager of such boarding house, lodging house, hotel, or other building for the period of not less than forty days thereafter, and upon application, shall be submitted to the inspection of each and every poll-taker who may demand the same. Every person who shall violate the provisions of this section may be fined in any sum not less than one dollar nor more than twenty-five dollars, to which may be added imprisonment in the county jail or workhouse for a period not exceeding ten days. (R. S. 1908 and 1914, §7050; R. S. 1901, §6337; R. S. 1897, §6502.)

74. List of Voters.

3. It shall be the duty of each and every poll-taker so appointed to make a full, true and complete list of all persons whose names are reported to him as voters, with such comments as he may deem proper as to their respective qualifications. (R. S. 1908 and 1914, §7051; R. S. 1901, §6338; R. S. 1897, §6503.)

75. Withholding Information—Penalty.

4. Any person who shall withhold any information in his or her possession from any poll-taker with regard to the qualifications of any voter or voters or other person or persons not entitled to vote, upon the demand of such poll-taker, shall be fined in any sum not less than one nor more

than twenty-five dollars, to which may be added imprisonment not exceeding thirty days. (R. S. 1908 and 1914, §7052; R. S. 1901, §6339; R. S. 1897, §6504.)

76. Deceiving Poll-Taker—Penalty.

5. Every person who shall knowingly furnish to any poll-taker any false information with regard to the qualifications of any person or persons for voting, or shall knowingly return to such poll-taker as voters any false names, or the names of any persons who are dead or are not voters shall be fined in any sum not less than one nor more than twenty-five dollars, to which may be added imprisonment in the county jail for a period not exceeding six months. (R. S. 1908 and 1914, §7053; R. S. 1901, §6339a; R. S. 1897, §6505.)

77. Returning Fictitious Names—Penalty.

6. Every poll-taker who shall knowingly return the name of any person who is not entitled to vote in the precinct or district for which such poll is taken at the election immediately ensuing, or any fictitious name, or the name of any dead person, shall be fined in any sum not less than ten nor more than five hundred dollars, to which may be added imprisonment in the county jail or workhouse for a period not exceeding six months. (R. S. 1908 and 1914, §7054; R. S. 1901, §6339b; R. S. 1897, §6506.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

78. Proclamation of Opening Polls.

14. Before receiving the ballot of any elector the Board of Election shall cause to be proclaimed that such election is opened. (R. S. 1908 and 1914, §6895; R. S. 1901, §6211; R. S. 1897, §6507; R. S. 1894, §6211; E. S., §1336.)

[1891, p. 124. Approved March 6, 1891. In force June 3, 1891.]

79. "Election Sheriffs."

15. It shall be the duty of the Sheriff of each county to appoint, five days prior to each election, two special deputies for each precinct in the county, to be known as

Election Sheriffs, who shall attend the polling places in their respective precincts from the opening of the polls to the conclusion of the count. It shall be their duty to preserve order at the polls and enforce the provisions of the election law under the direction of the Election Board, and make arrests on the demand of a member of the Board, or on affidavit, as hereinafter provided. One of such Election Sheriffs shall be chosen from each of the two parties that cast the largest number of votes in the State at the last general election; and if at least five days prior to such election the Chairman of the County Central Committee of either of such parties shall nominate a member of his party for Election Sheriff in any precinct, such nominee shall be appointed. If any Election Sheriff shall fail to appear at the opening of the polls, the member or members of the Election Board of his political party shall appoint a person to act in his place. Compensation of one dollar and fifty cents per day shall be allowed to each Election Sheriff by the Board of County Commissioners, but no such Election Sheriff shall be allowed for more days' service than members of the Election Board in the same precinct are allowed. No other peace officers of the State, or any division thereof, shall be allowed within fifty feet of the polls, except to serve process of Courts or to vote, unless summoned by the Election Sheriffs. No person other than the election officers shall remain within fifty feet of the polls, except when voting: Provided, That each political party may appoint one challenger and one poll-book holder for each precinct, who shall be entitled to stand at the sides of the chute next to the challenge window. Such challenger and poll-book holder shall be appointed in writing by the Chairman of the county or other local committee of their political party, and shall produce written appointments on demand of a member of the Election Board. It shall be lawful for a political party to pay such challenger and poll-book holder not more than three dollars for services at any election, but not more than one person of any one party shall be paid for services in either such capacity in any precinct, and no challenger or poll-book holder shall receive any compensation for such services, except from the political party he represents. (R. S. 1908 and 1914, §6896; R. S. 1901, §6212; R. S. 1907, §6508; R. S. 1894, §6212.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

80. State Board of Election Commissioners.

16. The Governor of the State, and two qualified electors by him appointed, one from each of the two political parties that cast the largest number of votes in the State at the last preceding general election, shall constitute a State Board of Election Commissioners. Such appointments shall be made at least thirty days prior to each general election, and if, prior to that time, the Chairman of the State Central Committee of either of such parties shall nominate in writing a member of his own party for such appointment, the Governor of the State shall appoint such nominee. In case of death or disability of either appointee the Governor of the State shall notify the Chairman of the said Central Committee of such appointee's political party, and such Chairman may, within three days thereafter, recommend a successor, who shall thereupon be appointed: Provided, That if such Chairman shall fail to make recommendations of appointment within the time specified, the Governor of the State shall make such appointment of his own selection from such political party. It shall be the duty of said Board to prepare and distribute ballots and stamps for election of all officers for whom all the electors of the State are entitled to vote, in compliance with the provisions of the election law. The members of such Board shall serve without compensation. (R. S. 1908 and 1914, §6897; R. S. 1901, §6213; R. S. 1897, §6509; R. S. 1894, §6213; E. S., §1338.)

81. County Board of Election Commissioners.

17. In each county in the State, the Clerk of the Circuit Court and two persons by him appointed, one from each of the two political parties that cast the largest number of votes in the State at the last general election, shall constitute a County Board of Election Commissioners. Said appointments shall be made in all respects as appointments to the State Board of Election Commissioners are required to be made by the Governor of the State, except that the privilege of nomination shall belong to the Chairman of the County Central Committees of the two parties aforesaid. It shall be the duty of such Board to prepare and dis-

tribute ballots for election of all officers to be voted for in such county other than those who are to be voted for by all the electors of the State, in compliance with the provisions of this Act. The members of such Board shall serve without compensation. (R. S. 1908 and 1914, §6898; R. S. 1901, §6214; R. S. 1897, §6510; R. S. 1894, §6214; E. S., §1339.)

82. Board's Duties.

18. The said Board of Election Commissioners shall cause to be printed on the respective ballots the names of the candidates nominated by the conventions of any party that cast one per cent. of the total vote of the State at the last preceding general election, as certified to said Boards by the presiding officer and secretary of such convention, or in case of primary election, by the chairman and secretary of any county or township committee; and also the names of any candidates for any office when petitioned so to do by electors qualified to vote for such candidates, as follows: For a State officer, or any officer for whom all the electors of the State are entitled to vote, five hundred petitioners; for a representative in Congress from any Congressional District, two hundred petitioners; for a county officer, member of the General Assembly, Circuit Judge or Prosecuting Attorney, twenty-five petitioners; for an officer of a township, ward or other division less than a county, twenty petitioners. The signatures to such petition need not be appended to one paper, but no petitioner shall be counted, except his residence and postoffice address be designated. Such petition shall state the name and residence of each of such candidates; that he is legally qualified to hold such office; that the subscribers desire and are legally qualified to vote for such candidates; and may designate a brief name or title of the party or principle which said candidates represent, together with any simple figure or device by which they shall be designated on the ballots. The certificate of nomination by a convention or primary election shall be in writing, and shall contain the name of each person nominated, his residence and the office for which he is nominated, and shall designate a title for the party or principle which such convention or primary election represents, together with any simple figure or device

by which its list of candidates may be designated on the ballots; said certificate shall be signed by the presiding officer and secretary of such convention, or by the chairman and secretary of the county, city or township committee, who shall add to their signatures their respective places of residence, and acknowledge the same before an officer duly authorized to take acknowledgments of deeds. If the certificate of nomination of any State convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the State such figure or device shall be so used until changed by request of a subsequent State convention of the same party. Such device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State or of the United States, the national flag, or any other emblem common to the people at large shall not be used as such device. A certificate of such acknowledgment shall be appended to such instrument. In case of death, resignation or removal of any candidate subsequent to nomination, unless a supplemental certificate or petition of nomination be filed, the chairman of the State, county, city or township committee shall fill such vacancy. In case of division in any party, and claim by two or more factions to the same party name, or title, or figure, or device, the Board of Election Commissioners shall give the preference of name to the convention held at the time and place designated in the call of the regularly constituted party authorities, and if the other faction shall present no other party name, title or device the Board of Election Commissioners shall select a name or title, and place the same before the list of candidates of said faction on the ballot, and select some suitable device to designate its candidates. If two or more conventions be called by authorities claimed to be the rightful authorities of any party, the proper Board of Election Commissioners shall select some suitable devices to distinguish one faction from the other, and print the ballots accordingly: Provided, however, That if any political party entitled to nominate by convention shall in any case fail to do so, the names of all nominees by petition for any office who shall be designated in their petitions as members of and candidates of such party, shall be printed under the

device and title of such party on the ballots, as if nominated by convention. Certificates and petitions of nomination of candidates for offices to be voted [for] by the electors of the entire State shall be filed with the Governor of the State. Certificates and petitions of nomination of candidates for offices to be voted for by electors of any district or division of the State exclusively shall be filed with the Clerks of the Circuit Courts of the counties or county included in or including such district or division. (R. S. 1908, and 1914, §6899; R. S. 1901, §6215; R. S. 1897, §6511; R. S. 1894, §6215; E. S., §1340.)

The duty to place on the official ballot in the proper column the names of the nominees selected "at the time and place designated in the call of the regularly constituted party authorities" may be enforced by mandamus. *State vs. Board*, 167 Ind. 276.

83. Superior Court—Election of Judges.

In all counties of this State, having a superior court consisting of two or more judges, such court shall be divided into rooms and such rooms numbered consecutively, beginning with No. 1, and the judges of said court shall be nominated and elected by rooms: Provided, That any one of said judges shall have full power and authority to sit as judge in the other rooms of said court. (R. S. 1914, Sec. 1463.)

[Acts 1905, p. 193.]

84. Signatures to Petition Must Be Acknowledged.

12. No name upon any petition for nomination shall be considered by the city or county Board of Election Commissioners unless the same be signed by the petitioner in person or by his mark duly attested, and no petition for nomination shall be effectual to authorize the name petitioned for to appear upon the official ballot unless the signatures of such petition to the number required by law shall be duly acknowledged before some officer authorized to take acknowledgments. (R. S. 1908 and 1914, §6967; R. S. 1905, §6275f.)

[1889, p. 157. Approved May 6, 1889. In force May 10, 1889.]

85. Preservation of Petitions.

20. The Governor of the State and County Clerks shall cause to be preserved in their respective offices all certifi-

cates and petitions of nominations filed therein under the provisions of this Act for six months after the election for which such nominations were made. (R. S. 1908 and 1914, §6901; R. S. 1901, §6217; R. S. 1897, §6513; R. S. 1894, §6217; E. S., §1342.)

86. When to Be Filed.

21. Certificates and petitions of nominations filed with the Governor of the State shall be filed not more than sixty days, and not less than twenty days, before the day fixed by the law for the election of the persons in nomination. Certificates and petitions of nomination herein directed to be filed with the Clerk of a county shall be filed not more than sixty and not less than fifteen days before election. (R. S. 1908 and 1914, §6902; R. S. 1901, §6218; R. S. 1897, §6514; R. S. 1894, §6218; E. S., §1343.)

87. Governor's Certificate.

22. Not less than eighteen days before an election of the State to fill any public office for which all the electors are entitled to vote the Governor of the State shall certify to the County Clerk of each county the name and the place of residence of each person nominated for such office, as specified in the certificates and petitions of nominations filed with the Governor of the State, and shall designate therein the device under which the group or list of candidates of each party will be printed, and the order in which they will be arranged. (R. S. 1908 and 1914, §6903; R. S. 1901, §6219; R. S. 1897, §6515; R. S. 1894, §6219; E. S., §1344.)

1. The next section of the original act is repealed. It was Section 23. See 1891, p. 126; 1893, p. 154.

88. Resignations of Nominees.

24. The Governor of the State shall not certify the name of a candidate whose certificate of nomination shall have been filed in his office and who shall have notified him in a writing signed and executed with the formalities prescribed for the execution of an instrument to entitle it to record that he will not accept the nomination contained in the certificate or petition of nomination. The County Clerk

shall not include in the publication to be made according to Sec. 23 hereof the name of any candidate whose certificate or petition of nomination shall have been filed in his office who shall have notified him in like manner that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed in the ballots as hereinafter provided. (R. S. 1908 and 1914, §6904; R. S. 1901, §6220; R. S. 1897, §6516; R. S. 1894, §6220; E. S., §1346.)

89. Constitutional Amendments.

25. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the State for popular vote, the Secretary of State shall duly, and not less than thirty days before election certify the same to the Clerk of each county in the State, and the Clerk of each county shall include the same in the publication provided for in Sec. 23 of this Act. (R. S. 1908 and 1914, §6907; R. S. 1901, §6221; R. S. 1897, §6517; R. S. 1894, §6221; E. S., §1347.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

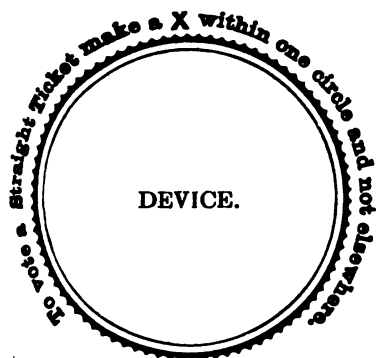
90. Form of Ballot.

1. The Board of Election Commissioners of the State of Indiana, the Board of Election Commissioners of the several counties of the State and the Board of Election Commissioners of the several cities and towns of the State of Indiana shall cause the names of all candidates of their respective jurisdictions to be printed on one ballot, all nominations of any party or group of petitioners being placed under the title and device of such party or petitioners as designated by them in their certificate or petition, or if none be designated, under some title and device. The ballots shall be of uniform size and of the same quality and color of paper, and sufficiently thick that the printing can not be distinguished from the back. All ballots prepared by the State Board of Election Commissioners shall be printed on red tinted paper, and put up in blocks of one hundred each. All ballots prepared by the County Boards of Election Commissioners shall be printed on white paper, except the ballots to be used in the election of township offi-

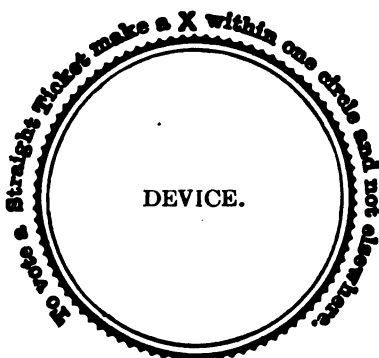
cers shall be printed on yellow paper. If the same device for designating candidates be selected by two parties or groups of petitioners, it shall be given to the one which first selected it, and a suitable device shall be selected for the other. The device named and list of candidates of the Democratic party shall be placed in the first column on the left-hand side of said ballot; and of the Republican party in the second column; and of any other party in such order as the Board of Election Commissioners shall decide. The device of each party shall be enclosed in a circle of not less than one and one-half inches in diameter, and shall be placed at the head of the list of candidates of the party, and the following words shall be printed around the outer edge of each of said circles, to-wit:

"To vote a straight ticket make a **X** [within] in one circle and not elsewhere."

Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title the list of candidates of the party, such names being placed three-fourths of one inch apart from center to center of the name, the name of each candidate having immediately on its left a square three-eighths of an inch on each side, and the general arrangement of the ballots shall conform as near as possible to the following:



DEMOCRATIC TICKET.



REPUBLICAN TICKET.



For Governor,
BENJAMIN F. SHIVELEY.



For Governor,
JAMES A. MOUNT.

(R. S. 1908 and 1914, §6908; R. S. 1901, §6222; R. S. 1897, §6518.)

91. Nominee's Name on Ballot but Once.

2. If any certificate or petition of nomination shall contain the name of more than one candidate for any office to be filled, neither name shall be printed as a candidate for such office. If any person shall join in nominating by petition more than one nominee for any office to be filled such person shall not be counted as a petitioner for either nomination. The name of any person who has been selected or nominated as a candidate for any office, by convention, petition or otherwise, shall not appear in more than one place, and but once upon a ballot. If any person has been nominated as a candidate for the same office, both by petition and by convention, his name shall be placed on the ballot but once, to wit: In the list of candidates nominated by such convention; and the place occupied by his name in such petition shall be left blank: Provided, That if such candidate shall in writing, signed and acknowledged before some person authorized to take acknowledgments, prior to the last day for filing nominations, request that his name be printed as nominated by petition, it shall be so printed, and shall be omitted from the list nominated by convention. (R. S. 1908 and 1914, §6900; R. S. 1901, §6216; R. S. 1897, §6519.)

92. Candidate to Elect Nomination.

5. Whenever any person has been nominated by two or more parties either by convention, petition or otherwise, he shall make his election as to which of such nominations he will accept, in writing, signed and acknowledged before some officer authorized to take acknowledgments, and file the same with the proper Board of Election Commissioners. Where a person has been so nominated for an office for which all electors of the State may vote, he shall file his election with the State Board of Election Commissioners, not more than sixty nor less than twenty days, before the day fixed by law for the election of the persons in nomination; and when a person has been so nominated for an office, wherein it is required by law to file the certificate or petition of such nomination, with the County Clerk, he shall make and file his election with the Clerk of the county in which nomination is made, if for a county office, and with

the Clerks of all the counties of the district if for a district office, not more than sixty days nor less than fifteen days before election. And if a person so nominated shall not make and file his election as herein provided, with the proper Board of Election Commissioners, said Board shall make such election for him, giving preference to the nominations made by conventions. And after such election is made, the Board of Election Commissioners shall place the name of such person in the list of nominees under the party name and device as indicated by him or the Board of Election Commissioners, and under no other device and not elsewhere upon the ballot. (R. S. 1908 and 1914, §6906; R. S. 1901, §6220b; R. S. 1897, §6520.)

93. Resignations of Candidates—Vacancy.

4. If any candidate whose nomination has been certified according to law shall wish to resign from such ticket, he shall file his resignation in writing with the officer with whom such certificate of nomination was filed within three days after the filing of such certificate of nomination, and any resignation filed after the time mentioned in this section shall not be considered by the Board of Election Commissioners: Provided, That no resignation shall be filed with or received by the State Board of Election Commissioners within twenty days immediately preceding an election. And that no resignation shall be filed with or received by any County Board of Election Commissioners within fifteen days immediately preceding an election: Provided, further, That should any vacancy on the ticket occur by reason of the death of any candidate whose name has been legally certified, such vacancy shall be filled as now provided by law. (R. S. 1908 and 1914, §6905; R. S. 1901, §6220a; R. S. 1897, §6521.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

94. Vacancy in Nominations.

27. In case of the death, removal or registration of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the State, district or county political organization of which such candidate was a member to make a nomination to fill

such vacancy, and provide the Election Board of each precinct in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided each precinct, but no pasters shall be given to or received by any one except such Election Board and such chairman, and it shall be the duty of the Polling Clerk to put one of such pasters, in a careful and proper manner and in the proper place, on each ticket before they shall sign their initials thereon. (R. S. 1908 and 1914, §6909; R. S. 1901, §6223; R. S. 1897, §6522; R. S. 1894, §6223; E. S., §1349.)

95. Printer's Duties—Penalty.

28. If the printer of such ballots, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken, any of said ballots by any person other than a member of the Board of Election Commissioners for which such ballots are being printed, or shall print or cause or permit to be printed any ballot in any other form than the one prescribed by this Act, or with any other names thereon, or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Board of Election Commissioners, he shall be guilty of felony, and on conviction thereof shall be imprisoned in the State penitentiary not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6910; R. S. 1901, §6224; R. S. 1897, §6523; R. S. 1894, §6224; E. S., §1350.)

[1907, p. 282. Approved March 9, 1907. In force March 9, 1907.]

96. Distributing Ballots.

1. It shall be the duty of each County Clerk to appear in person, or by specially authorized deputy bearing credentials given under the seal of the Circuit Court, at the office of the Governor of the State, not more than sixteen nor less than ten days prior to each general election, and the State Board of Election Commissioners shall thereupon deliver to said Clerk a number of ballots equal [to] the

number of voters in each precinct of his county at the last presidential election, plus 25 per cent. of such number of voters; or, if a new precinct has been established in such county said Board of Election Commissioners shall deliver to said clerk a number of ballots equal to the estimated vote in such new precinct as reported by the Board of County Commissioners of the county wherein the same is located, plus 25 per cent. of said estimated vote: Provided, however, That if it shall be made to appear by the affidavit of such Clerk that any precinct has so increased in population as to have 50 per cent. more voters than at the last presidential election, or at the time of estimate by the Board of County Commissioners, the State Board of Election Commissioners shall deliver to him a number of ballots equal to the number of voters so declared by him under oath to be resident within said precinct, plus 25 per cent. of such number of voters. The ballots shall, in the presence of the Clerk, be wrapped and tied in packages, plainly marked, one for each precinct, and securely sealed with wax, and the Clerk shall give his receipt for the same. And for the safe sealing of such ballots, such Board shall provide itself with a seal of such design as it may deem proper, but the same design shall not be used for any two consecutive elections. The State Board of Election Commissioners shall also provide and inclose in each of said sealed packages three blue pencils. In addition to the precinct packages, the State Board of Election Commissioners shall deliver to each Clerk a package, wrapped and sealed in his presence, containing two thousand State ballots, and twelve blue pencils, which package shall remain in the custody of the County Board of Election Commissioners and shall not be opened by them except for the purpose of supplying a precinct whose ballots or pencils have been lost or destroyed, on due showing of such fact as hereinafter provided. The State Board of Election Commissioners shall, from time to time, certify to the Auditor of State the necessary expenses of the preparation and distribution of the State ballots and pencils, and the Auditor shall audit and issue his warrants for the same, which shall be paid out of any funds in the State treasury not otherwise appropriated. (R. S. 1908 and 1914, §6911; R. S. 1901, §6225; R. S. 1897, §6524; R. S. 1894, §6225.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

97. Clerk's Allowance—Special Messenger.

30. An allowance shall be made to the Clerk by the Board of County Commissioners of five cents per mile for the distance necessarily traveled in going to and returning from the office of the Governor of the State; but in case said Clerk of any county shall fail to appear at the office of the Governor of the State by the close of the tenth day prior to the election, the State Board of Election Commissioners shall forthwith dispatch a special messenger to such county with the ballots for the county; which messenger, before receiving such ballots, shall take and subscribe to an oath, to be administered to him by the Secretary of State, which oath shall be filed with said Board of Election Commissioners, and shall be in the words following:

STATE OF INDIANA, }
 County. } ss.

I,, swear (or affirm, as the case may [be]) that I will take charge of the election ballots delivered to me by the State Board of Election Commissioners for the county of, and will safely deliver said ballots in sealed packages, and in the same condition as received by me, to the Clerk of said county at the earliest time that I can reach the county seat of said county. So help me God.

.....

Subscribed and sworn to before me this day of
, 19...

.....

And in such case said messenger shall be allowed three dollars per day for the time necessarily employed, and three cents per mile for the distance necessarily traveled by him, which allowance shall be certified to the Treasurer of such county, and deducted from the first moneys thereafter accruing to such Clerk payable by the Treasurer. The amount so deducted shall be remitted by the County Treasurer to the Treasurer of State. (R. S. 1908 and 1914, §6912; R. S. 1901, §6226; R. S. 1897, §6525; R. S. 1894, §6226; E. S., §1352.)

98. Permitting Ballots to Be Taken Away—Penalty.

31. If any member of the Board of Election Commissioners shall give or deliver to any other person any of said ballots, or shall permit any of them to be taken away, except as herein provided, he or they shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State penitentiary for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6913; R. S. 1901, §6227; R. S. 1897, §6526; R. S. 1894, §6227; E. S., §1353.)

99. Taking Ballots Away—Penalty.

32. If any person shall take or remove in any manner feloniously or with the consent or permission of the custodian for the time from any place where they may lawfully be under this Act, any of such ballots or stamps [pencils], or be found in custody or possession of such ballots or stamps [pencils] (except as an official or custodian under this Act, or while within the polling place for the purpose of voting); or if any such custodian or official shall consent to, or permit, any of such ballots or stamps [pencils] to be removed or carried away from the place where they may lawfully be by any person except an official or custodian under this Act whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary at hard labor for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6914; R. S. 1901, §6228; R. S. 1897, §6527; R. S. 1894, §6228; E. S., §1354.)

100. Distribution of Ballots.

33. It shall be the duty of each Election Inspector, or in case he can not attend, some other member of the Election Board authorized in writing by the Inspector, to appear at the office of the Clerk of the Circuit Court of his county not more than three nor less than two days before each election, and the County Board of Election Commissioners shall deliver to him the sealed packages of ballots

and the stamps provided for his precinct by the State Board of Election Commissioners, and also ten of the local ballots printed under the direction of the County Board of Election Commissioners for each five or fraction thereof of the number of votes cast at such precinct at the last presidential election; or if a new precinct for each five or fraction of five voters, as estimated by the County Commissioners: Provided, however, That in case it be made to appear by affidavit of such Inspector that the number of voters in his precinct has increased more than fifty per cent. since the last presidential election or estimate by the Board of County Commissioners, there shall be delivered to him two ballots for each voter so declared under oath by him to reside in the precinct. The local ballots shall be wrapped and tied in packages and securely sealed with wax in the presence of said Inspector or his representative, who shall receipt for the same; and for the safe sealing of such ballots the County Board of Election Commissioners shall provide themselves with a seal of such design as they may deem proper, but the same design shall not be used at any two consecutive elections, and said packages shall not be opened until delivered to the Election Board of the respective voting precincts to which they are directed, and said Boards shall be fully organized and ready for the reception of votes, as in this Act provided. (R. S. 1908 and 1914, §6915; R. S. 1901, §6229; R. S. 1897, §6528; R. S. 1894, §6229; E. S., §1355.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

101. Opening Packages—Clerk's Initials.

8. At the opening of the polls, after the organization of and in the presence of the Election Board, the Inspector shall open the packages of ballots in such a manner as to preserve the seals intact. He shall then deliver to the Poll Clerk of the opposite political party from his own twenty-five each of the State and local ballots; and to the other Poll Clerk a blue pencil for marking the ballots. The Poll Clerks shall at once proceed to write their initials in ink on the lower left-hand corner of the back of each of said ballots in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls

for a ballot the Poll Clerks shall deliver to him the first signed of the twenty-five ballots of each kind; and the Inspector shall immediately deliver to the Poll Clerks another ballot of each kind, which the Poll Clerks shall at once countersign as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all those theretofore countersigned. (R. S. 1908 and 1914, §6916; R. S. 1901, §6230; R. S. 1897, §6529.)

[1889, p. 157. Approved March 6, 1889. In force May 10, 1889.]

102. Cards—Instructions—Posting Up Ballots.

35. The County Board of Election Commissioners of each county shall cause to be printed in large type on cards, in English and such other language as they deem necessary, instructions for the guidance of electors in preparing their ballots. They shall furnish twelve of such cards in each of the languages determined upon by them to each of the Election Inspectors at the same time they deliver to him the ballots for his precinct. Each Inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the chute leading to the polling place, and not nearer than fifty feet of the polling place, and not less than three of each of such cards, and three samples of each of the State and local ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done. First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled; also copies of Secs. 43, 50, 55, 56, 59 and 60 of this Act. (R. S. 1908 and 1914, §6917; R. S. 1901, §6231; R. S. 1897, §6530; R. S. 1894, §6231; E. S., §1357.)

103. Special Messenger.

36. In case any Inspector or his representative shall fail to appear at the office of the County Clerk at the close of the second day prior to any election, the County Board

of Election Commissioners shall forthwith dispatch a special messenger to his precinct with the ballot and stamps [pencils] for such precinct. Such messenger shall be allowed two dollars for his time and five cents per mile for the distance necessarily traveled by him, and shall promptly report to such Clerk and file with him the receipt of the person to whom he delivered such ballots and stamps [pencils], and his affidavit stating when and to whom he delivered such ballots and stamps [pencils], and such Inspector shall receive no compensation for his services at such election. (R. S. 1908 and 1914, §6918; R. S. 1901, §6232; R. S. 1897, §6531; R. S. 1894, §6232; E. S., §1358.)

104. Failure of Inspector to Appear.

37. Any Inspector who shall wilfully or negligently fail to appear at the Clerk's office, in person or by representative, as herein provided, shall be guilty of [a] misdemeanor, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars, and shall thereafter be incompetent to serve as Inspector. (R. S. 1908 and 1914, §6919; R. S. 1901, §6233; R. S. 1897, §6532; R. S. 1894, §6233; E. S., §1359.)

105. Ballots Lost.

38. If by any accident or casualty the ballots delivered to any Clerk, Inspector, or other messenger shall be lost or destroyed, it shall be the duty of such persons in custody to report the loss at once to the Board of Election Commissioners from which the same were obtained, and make affidavit of the circumstances of the loss, whereupon such Board shall at once re-supply such person. In case such person in custody fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Board shall at once send a new supply by special messenger, as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting at the opening of the polls, it shall be the duty of the Election Board to secure the same as speedily as possible; and, if necessary, such Board may have ballots printed: Provided, however, That such ballots shall conform as nearly as possible to the gen-

nine ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots prescribed in this Act. (R. S. 1908 and 1914, §6920; R. S. 1901, §6234; R. S. 1897, §6533; R. S. 1894, §6234; E. S., §1360.)

106. Destroying Ballots Not Used—Record.

39. The various Boards of Election Commissioners shall preserve the ballots that are left over in their hands after supplying the precincts as hereinbefore provided, until 6 o'clock p. m. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which shall be securely pasted in the election record immediately preceding the place where the vote is to be recorded. They shall also cause to be entered below such ballot the number of ballots printed by them, the number delivered to each messenger and the number destroyed by them. (R. S. 1908 and 1914, §6921; R. S. 1901, §6235; R. S. 1897, §6534; R. S. 1894, §6235; E. S., §1361.)

[1897, p. 49. Approved February 23, 1897. In force April 14, 1897.]

107. Rooms—Booths.

6. It shall be the duty of the County Commissioners in each county before each election to provide for and secure in each precinct of the county a suitable room in which to hold the election, and to have placed therein a railing separating the part of the room to be occupied by the Election Board from the remainder of the room, and also three booths, or compartments, in which electors shall mark their ballots, screened from observation, each containing a counter or shelf. Booths shall be so constructed and arranged that all the members of the Election Board can see whether more than one voter enters any one of such booths at one time, and each and every member of any Election Board allowing any booth or compartment, in which an elector is preparing his ballot, to be used without a screen or such screen being so arranged as not to shield the preparation of the ballot from observation, shall upon conviction therefor, be fined for each offense in any sum not exceeding one hundred dollars (\$100) nor less than five dollars (\$5), to which may be added imprisonment in the county jail not

exceeding nin[e]ty days. The portion of the room set apart for the Election Board shall include a window, at which the voter shall appear for challenge, and such voter shall immediately announce his full and true name to the challengers. The Board of County Commissioners shall also provide for each precinct a chute or passage with a railing, rope or wire on each side commencing fifty feet away from and leading to such polling place, passing such window for challenge and thence to the entrance of the room in which the election is held. The expenses of such preparation shall be defrayed as other expenses of the county by the Board of County Commissioners. No election shall be held in a room in which spirituous, vinous, malt or other intoxicating liquors are kept or sold. (R. S. 1908 and 1914, §6922; R. S. 1901, §6236; R. S. 1897, §6535.)

[1899, p. 60. Approved February 17, 1899. In force April 28, 1899.]

108. Challengers—Who May Stand Near Polls.

41. One challenger and one poll-book holder, appointed and designated by each party organization, shall be entitled to stand at the sides of the chute near the challenge window. No other person shall remain within fifty feet of the same, except for the purpose of offering his vote; and voters shall approach and enter the chute in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any member of the Election Board, he shall stand aside and shall not be entitled to vote unless he makes affidavit in writing that he is a qualified and legal voter of the precinct, and in such affidavit sets forth his name, residence, occupation, place or places of residence during the six months prior to the election, with the date of any removal within that time, and the names of two persons who have personal knowledge of his residence in the precinct thirty days and the township sixty days, and shall, in case he be a person required by this Act to be registered, also produce the necessary certificate of registration provided for in this Act. He shall then be allowed to vote, unless the challenger or some qualified voter of the precinct make affidavit in writing that he knows or is informed and verily believes that the person offering to vote is not a legal voter

in the precinct; and if the affidavit be on information and belief he shall set forth the names of the person or persons from whom such information was obtained, and the person offering to vote shall not thereafter be allowed to vote, except one qualified voter of the precinct, who has been a freeholder and resident householder in the precinct for at least one year or a resident householder for two years next preceding such election shall make affidavit or affirmation in writing that of his personal knowledge such person offering to vote is a legal voter at the precinct: Provided, That if the person offering to vote shall make affidavit that there is no person of his political party residing in the precinct who has been a freeholder or resident householder as provided for in this Act, then the affidavit or affirmation of any qualified voter shall be accepted by said Election Board: Provided further, That if such person so offering to vote be challenged solely or for the additional reason that he is not a citizen of the United States, then such person so challenged for such reason shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be) that I have resided in the United States one year, and have declared my intention of becoming a citizen thereof in conformity with the laws thereof.

.....

The other affidavits herein referred to shall be in the following form:

I do solemnly swear (or affirm, as the case may be) that I am a citizen of the United States; that I am now over the age of twenty-one years, to the best of my information and belief; and that I have been a bona fide resident of this State for six months immediately preceding this election; that I have resided in the township sixty days and in the precinct thirty days, and that I am a bona fide resident of this precinct; that I am generally known by the name in which I now desire to vote, which is.....; that I have not voted and will not vote in any other precinct in this election; that my occupation is.....; that my present residence is..... (if in the city or town give the street or number), and that during the last six months prior to this election I have resided at....., I have removed from.....to.....on the following date.....; and that.....and.....have personal knowledge of my residence in the precinct thirty days and in the township sixty days.

.....

and the other Clerk shall thereupon deliver to him a blue pencil, and both Poll Clerks, on request, shall give explanation of the manner of voting. If deemed necessary by any member of the Board an interpreter may be called. The voter shall then, and without leaving the room, go alone into any one of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by making a cross, thus **X** on the square immediately preceding their names, and indicate his preference on any question of constitutional amendments or other special matter by a similar mark in front of the words "yes" or "no" under such questions: Provided, however, That if he shall desire to vote for all the candidates of one party or group of petitioners he may mark in the large circle enclosing the device and preceding the title under which the candidates of such party or group of petitioners are printed, and the vote shall then be counted for all the candidates under that title. If the voter marks on the large circle enclosing the device he shall not mark elsewhere on the ballot, unless there be no candidate for some office in the list printed under such device, in which case he may indicate his choice for such office by marking the square to the left of the name of any candidate for such office on any other list. A mark on the ballot in violation of this provision shall be treated as a distinguishing mark. If a pencil mark touches a circle or a square it shall be counted on such circle or square, but a mark that touches no circle or square shall be treated as a distinguishing mark. Before leaving the booth or compartment the voter shall fold his ballots separately so that no part of the faces thereof shall be exposed, and so that the initials of the Poll Clerks shall be exposed, and on leaving the booth or compartment shall return the pencil to the Poll Clerk and deliver the ballots to the Inspector, or to the Judge who may temporarily be authorized to act for him who shall forthwith, in the presence of the voter and of the Election Board, deposit the same in the respective boxes, the State ballot in the red ballot box, and the local ballot in the white ballot box; and the Ballot Clerks shall write the word "voted" after the name of the voter on the poll lists: Provided, however, That if an elector shall show his ballot or any part thereof to any other person, after the same shall have been marked, so as to disclose any of the candidates voted for, such ballots shall

not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. If a voter shall offer to vote a ballot so folded as not to disclose the initials of the Poll Clerks and also not disclosing the face of the ballot, the Election Board shall direct him to return to the booth and fold his ballot properly. After voting the voter shall leave the room, but no voter to whom a ballot and pencil, or either, have been delivered shall be permitted to leave the room without voting the ballots or returning them to the Poll Clerk, or without returning the pencil to the Poll Clerk from whom he received it. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession. And any voter who shall attempt to leave the room with a ballot or such pencil in his possession shall be at once arrested on demand of any member of the Election Board. (R. S. 1908 and 1914, §6927; R. S. 1901, §6241; R. S. 1897, §6540.)

[1891, p. 130. Approved March 6, 1891. In force June 3, 1891.]

113. "Paster Ballots."

46. In addition to the State and local ballot which the Clerk is to deliver to the voter in the election room under the provisions of Section 45 of the Acts of which this Act is an amendment, the voter may take with him into the booth a printed ballot or ballots of his own selection or preparation to be known as a paster ballot or ballots, and designed to be pasted upon either such State or local ballot, or upon each of them. If such paster ballot is designed to be pasted upon the State ballot, it shall be in the nature of a complete ticket and shall contain a complete list of all offices to be filled at the election where used by the vote of the electors of the whole State, and shall contain the name of one person for each and every one of such offices. If such paster ballot is designed to be pasted upon the local ballot it shall be in the nature of a complete ticket, and contain a complete list of all offices to be filled at such election for the filling of which the electors of the county where used are entitled to vote other than offices which are filled by the vote of the electors of the whole State, and it shall also contain the name of one person

for each and every one of such offices in such list. The said paster ballots shall be in the form indicated as follows:

For Governor,
COURTLAND C. MATSON.

For Lieutenant-Governor,
WILLIAM R. MYERS.

They shall be printed in plain black ink upon white paper. The paper shall not be more than two inches in width, and of sufficient length to contain the complete list of offices and names as above specified. The names of the persons upon said list, as well as of the offices, shall be printed one below another in the manner above indicated. The distance from the center of the name of any person in such list to the center of the name of the person immediately below in such list shall be three-fourths of an inch, in order that the names in such list when pasted upon the State or local ballot will conform to the squares thereon. Such pasters shall contain no heading, no printing save as above indicated, no writing, no blank nor any distinguishing marks of any kind whatever. Such paster ballot may be gummed upon the back and pasted upon the State or local ballot accordingly as it is designed in such manner as that the squares upon the State or local ballot to the left of any list of names printed thereon will come immediately to the left of, and opposite respectively the names printed upon such paster ballot and in such manner as that the State or local ballot will not show when folded that it contains a paster. The voter may then indicate his choice for any office by stamping [marking] the square upon the State or local ballot immediately to the left of the name printed upon such paster ballot when pasted. He shall in no other manner attempt to indicate his choice. Any stamps [marks] upon the State or local ballot elsewhere shall be deemed a distinguishing mark and render the ballot void. If the ballot contains no distinguishing mark, the Election Board shall deem and count as the voter's choice the names of the persons upon such paster ballot having the square immediately to the left stamped [marked], and they shall count none other. It shall be unlawful for any person to use the paster ballot provided for in this section

unless he desires to vote for one or more persons for one or more offices respectively to be filled at such election, the names of which person or persons are not printed upon the State or local ballot, as the case may be, as a candidate or candidates for such office or offices respectively. And any paster which contains the names of persons only for the respective offices whose names are printed upon the State or local ballots as candidates for the same offices respectively shall be void and the ticket containing the name shall not be counted. The voter who attempts to use a paster ballot under the provisions of this section must prepare or select a paster ballot containing a complete list of names for every office for whom he desires to vote and must vote for names contained upon the paster and none other. If a State or local ballot contains a paster placed thereon by the voter, as provided for in this section, any stamp [mark] upon such State or local ballot other than are on the squares at the left of the paster ballot shall be deemed a distinguishing mark and render the whole ticket void. Every violation of the provisions of this section by a voter shall be deemed to be an attempt to distinguish his ballot and shall render the same entirely void. (R. S. 1908 and 1914, §6928; R. S. 1901, §6242; R. S. 1897, §6541; R. S. 1894, §6242.)

114. Number of Persons in Booths—Spoiling Ballots.

47. Not more than one person shall be permitted to occupy any booth at one time, and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot and in no event longer than five minutes. Not more than three persons other than the election officers shall be permitted to enter or be in the election room at any one time, and no voter or person offering to vote shall hold any conversation or communication with any other person than a member of the Election Board while in the election room. Any person who shall by accident or mistake spoil, deface or mutilate his ballot may, on returning the same to the Poll Clerks and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such Clerks shall make a minute of the fact on the poll list at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the

Board. (R. S. 1908 and 1914, §6929; R. S. 1901, §6243; R. S. 1897, §6542; R. S. 1894, §6243.)

[1891, p. 132. Approved March 6, 1891. In force June 3, 1891.]

115. Illiterate Voters.

48. Any elector who declares that by reason of physical disability or inability to read the English language, he is unable to mark his ballot, may declare his choice of candidates to the Poll Clerks, who, in the presence of the elector and in the presence of each other, shall prepare the ballots for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked. Any one making a false declaration under the provisions of this section shall, upon conviction, be fined in any sum not exceeding five dollars and be disfranchised for a period of five years, and any Poll Clerk or Poll Clerks who shall deceive any elector in selecting or marking his ballot, or mark the same in any other way than as requested by said elector, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary for not less than two nor more than five years, and be disfranchised for any determinate period not less than five years: Provided, That before the Poll Clerk shall so prepare the ballot of said elector, the said elector shall, in the presence of the Board, make affidavit in writing that he is unable to read the English language, or that by reason of physical disability, setting out the particulars in which said physical disability exists, he is unable to mark his ballot. (R. S. 1908 and 1914, §6930; R. S. 1901, §6244.)

[1891, p. 133. Approved March 6, 1891. In force June 3, 1891.]

116. Distinguishing Marks—Penalty.

49. No Inspector of Elections, or Judge acting for an Inspector, shall deposit any ballot upon which the initials of the Poll Clerks, as hereinbefore provided for, does not appear, or any ballot on which appears externally any distinguishing mark, defacement or mutilation. If any Inspector, Judge, Poll Clerk or other person entrusted with the custody and control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate, or deface any ballot or place any distinguishing

mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference) or for the purpose of vitiating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the State's prison not more than ten nor less than five years and fined in any sum not exceeding two thousand dollars. (R. S. 1908 and 1914, §6931; R. S. 1901, §6245; R. S. 1897, §6544; R. S. 1894, §6245.)

[1889, p. 124. Approved March 6, 1889. In force May 10, 1889.]

117. Taking Ballots from Election Room—Penalty.

50. Any person who shall remove or attempt to remove a ballot or stamp [pencil] from the election room, or having in his possession outside the election room, any ballot or stamp [pencil] either genuine or counterfeit, during the election, shall be guilty of felony, and on conviction shall be imprisoned in the penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6932; R. S. 1901, §6246; R. S. 1897, §6545; R. S. 1894, §6246; E. S., §1372.)

118. Counting and Destroying Ballots.

51. Immediately on closing the polls, the board shall count all the ballots remaining unvoted, record the number of the same on the tally sheets, and destroy all of such ballots by totally consuming by fire. (R. S. 1914, Sec. 6933.)

[Acts 1909, p. 162. S. 49, approved March 5, 1909.]

119. Elections—Canvass and Count—Ballots Preserved.

The Election Boards shall, in canvassing the votes, begin first with the State ballots and complete them before proceeding with the local ballot, by laying each ballot upon the table in the order [in] which it is taken from the ballot box; and the Inspector and the Judge of Election differing in politics from the Inspector shall view the ballots as the names of the persons voted for are read therefrom. And in the canvass of the votes any member of the Election Board may protest as to the counting of any ballot, or any part thereof, and any ballot which is not indorsed with the initial of the Poll Clerks, as provided by law, and any ballot

which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates, shall not be counted as to the candidate, or candidates, affected thereby; and all ballots, voted and not voted, together with all protested, disputed or uncounted ballots, shall be preserved by the Inspector and at the close of the count placed in separate packages, together with the seals of the ballot packages, in paper bags securely sealed, and delivered to the Clerk of the Circuit Court with notification to him of the number of ballots so placed in such bags, and of the condition of the seals of the ballot packages. The Poll Clerk shall also record on the tally sheets memoranda of such ballots and the condition of the seal of the ballot packages, and in any contest of election such ballots and seals may be submitted in evidence. And before said ballots are placed in the bag as aforesaid, one of the Poll Clerks shall indorse upon the back of each disputed or protested ballot the word "counted" or "not counted," as the case may be, and said indorsement shall be signed officially by both of said Poll Clerks. The Election Board shall immediately make a memorandum of the total votes cast for each candidate and deliver a copy thereof to each member of such Board. No person, other than the members of the Election Board, Poll Clerks, Election Sheriffs, and the duly authorized watchers representing the various political parties, shall be permitted in the room during the election, or during the canvass of the votes, except for the purpose of voting. Each of the four political parties having cast the largest vote at the election last preceding, and having a place on the official ballot shall be entitled to one watcher at each precinct, who shall be permitted to be present during the canvass of the votes. Each watcher shall be required to present to the Election Board credentials signed by the Township or County Chairman of the party which said watcher represents, showing him to be the duly authorized watcher for that party. (R. S. 1914, Sec. 6934.)

[1889, p. 124. Approved March 6, 1889. In force May 10, 1889.]

120. Penalties for Violating Election Law.

53. Any person who shall (1) falsely mark or fraudulently deface or fraudulently destroy any certificate or peti-

tion of nomination, or any part thereof; (2) file any certificate or petition of nomination, knowing the same, or any part thereof, to be falsely made; or (3) suppress any petition or certificate of nomination which has been duly filed, or any part thereof; or (4) forge or falsely make the official indorsement of any ballot; or (5) print, or cause to be printed, any imitation ballot, or circulate the same; or (6) conspire with others to do any of said acts, or induce, or attempt to induce, any other person to do any of said acts, whether or not said acts, or any of them, be committed or attempted to be committed, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary not less than two nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6935; R. S. 1901, §6249; R. S. 1897, §6548; R. S. 1894, §6249; E. S., §1375.)

121. Penalty for Clerk, Inspector or Messenger.

54. Any Clerk, Inspector or other messenger entrusted with the custody of the ballots who shall open any of the packages in which the ballots are contained, or permit any of them to be opened, or destroy any of such ballots, or permit them to be destroyed; or give or deliver any such packages or ballots to any person not lawfully entitled to receive them, as herein provided; or conspire to procure, or in any way aid, abet or connive at any robbery, loss or destruction of any such ballots or packages, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State prison for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6936; R. S. 1901, §6250; R. S. 1897, §6549; R. S. 1894, §6250; E. S. §1376.)

122. Entering Election Room—Remaining Close to Polls.

55. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading from the challenge window to the entrance of the election room without first having been passed by the challengers, or having been sworn

in as hereinbefore provided, or shall remain within fifty feet of the polling place, contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor, and on conviction thereof be fined not more than five hundred dollars. (R. S. 1908 and 1914, §6937; R. S. 1901, §6251; R. S. 1897, §6550; R. S. 1894, §6251; E. S., §1377.)

123. Inducing Voter to Put Mark on His Ballot.

56. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors, or any elector, to so place any distinguishing name or mark on his ballot, whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of felony, and, on conviction, be imprisoned not more than five nor less than two years in the State's prison. (R. S. 1908 and 1914, §6938; R. S. 1901, §6252; R. S. 1897, §6551; R. S. 1894, §6252; E. S., §1378.)

124. Revealing How Elector Voted.

57. If any person, being a member of an Election Board or otherwise entitled to [the] inspection of the ballots, shall reveal to any other person how an elector has voted, or what other candidates were voted for on any ballot bearing a name not printed thereon by the Board of Election Commissioners, or give any information concerning the appearance of any ballot voted, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned not less than two years nor more than five years in the State's prison, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6939; R. S. 1901, §6253; R. S. 1897, §6552; R. S. 1894, §6253; E. S., §1379.)

125. Inducing Member of Board to Violate This Act.

58. If any person shall induce, or attempt to induce, any member of an Election Board to violate any of the pro-

visions of Section 47 [57], whether or not such member of the Election Board shall violate or attempt to violate any of the provisions of this Act, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned in the State's prison not less than two years nor more than five years, and be disfranchised for any determinate period not less than ten years. It shall be the duty of each Inspector to distinctly read this and the preceding section to the Election Board at the opening of the polls, and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said section. (R. S. 1908 and 1914, §6940; R. S. 1901, §6254; R. S. 1897, §6553; R. S. 1894, §6254; E. S., §1380.)

126. Removing or Destroying Election Supplies.

59. Any person who shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall, during an election, remove, tear down or deface the cards printed for the instruction of the voters, or shall, during an election, destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6941; R. S. 1901, §6255; R. S. 1897, §6554; R. S. 1894, §6255; E. S., §1381.)

127. Electioneering—Revealing Vote.

60. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election shall do any electioneering on election day. No person whatever shall do any electioneering on election day within any polling place, or within fifty feet of any polling place. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. No person shall show his ballot after it is

marked to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any person has presented for voting or solicit the elector to show the same. No person except the Inspector of Election, or Judge who may be temporarily acting for him, shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot from any person other than one of the Poll Clerks; nor shall any person other than a Poll Clerk deliver a ballot to an Inspector to be voted. No voter shall deliver any ballot to an Inspector to be voted, except the one he receives from the Poll Clerk. No voter shall place any mark upon his ballot or suffer or permit any other person to do so, by which it may be afterward identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment for not less than six months nor more than one year, and by fine of not less than one hundred dollars nor more than five hundred dollars, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6942; R. S. 1901, §6256; R. S. 1897, §6555; R. S. 1894, §6256; E. S., §1382.)

128. Officer Violating His Duty.

61. Any public officer, upon whom any duty is imposed by this Act, who shall wilfully neglect or omit to perform such duties, or do any act prohibited herein, for which punishment is not otherwise herein provided, shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the State's prison for not less than six months nor more than three years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6943; R. S. 1901, §6257; R. S. 1897, §6556; R. S. 1894, §6257; E. S., §1383.)

129. Constitutional Amendments.

62. Whenever any constitutional amendment or other question is required by law to be submitted to popular vote,

if all the electors of the State are entitled to vote on such question, the State Board of Election Commissioners shall cause a brief statement of the same to be printed on the State ballots, and the words "yes" and "no" under the same, so that the elector may indicate his preference by stamping [marking] at the place designated in front of either word. If the question is required by law to be voted on by the electors of any district or division of the State the Board or Boards of Election Commissioners of the county or counties, including or included in such division or district, shall cause similar provision to be made on the local ballots. In case any elector shall not indicate his preference by stamping [marking] in front of either word the ballot as to such question shall be void and shall not be counted. (R. S. 1908 and 1914, §6944; R. S. 1901, §6258; R. S. 1897, §6557; R. S. 1894, §6258; E. S., §1384.)

[Acts 1911, p. 534. Approved March 6, 1911. In force April 21, 1911.]

130. Constitutional Amendments—Political Party Action.

1. That whenever any constitutional amendment is to be submitted to a vote of the people, the State convention of any political party assembled for the purpose of nominating candidates for State officers of such political party, having at the last preceding general election polled at least one per cent. of the entire vote cast in the State, may take action in favor of or against the adoption of such constitutional amendment to be submitted at the next succeeding general election, and shall certify such action to the Secretary of State in the manner provided for certifying nominations for State officers, whereupon said action upon such constitutional amendment shall be printed upon the regular ballot at said election as a part of the party ticket of such political party in the manner hereinafter provided. If more than one proposed amendment to the Constitution is submitted at the same time, such political convention shall have the right to declare in favor of or against any or all of them. (R. S. 1914, Sec. 6944a.)

131. Ballots—Form.

2. Such constitutional amendment or amendments shall be stated on such ballots in words sufficient to clearly desig-

marked to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any person has presented for voting or solicit the elector to show the same. No person except the Inspector of Election, or Judge who may be temporarily acting for him, shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot from any person other than one of the Poll Clerks; nor shall any person other than a Poll Clerk deliver a ballot to an Inspector to be voted. No voter shall deliver any ballot to an Inspector to be voted, except the one he receives from the Poll Clerk. No voter shall place any mark upon his ballot or suffer or permit any other person to do so, by which it may be afterward identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment for not less than six months nor more than one year, and by fine of not less than one hundred dollars nor more than five hundred dollars, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6942; R. S. 1901, §6256; R. S. 1897, §6555; R. S. 1894, §6256; E. S., §1382.)

128. Officer Violating His Duty.

61. Any public officer, upon whom any duty is imposed by this Act, who shall wilfully neglect or omit to perform such duties, or do any act prohibited herein, for which punishment is not otherwise herein provided, shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the State's prison for not less than six months nor more than three years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §6943; R. S. 1901, §6257; R. S. 1897, §6556; R. S. 1894, §6257; E. S., §1383.)

129. Constitutional Amendments.

62. Whenever any constitutional amendment or other question is required by law to be submitted to popular vote,

if all the electors of the State are entitled to vote on such question, the State Board of Election Commissioners shall cause a brief statement of the same to be printed on the State ballots, and the words "yes" and "no" under the same, so that the elector may indicate his preference by stamping [marking] at the place designated in front of either word. If the question is required by law to be voted on by the electors of any district or division of the State the Board or Boards of Election Commissioners of the county or counties, including or included in such division or district, shall cause similar provision to be made on the local ballots. In case any elector shall not indicate his preference by stamping [marking] in front of either word the ballot as to such question shall be void and shall not be counted. (R. S. 1908 and 1914, §6944; R. S. 1901, §6258; R. S. 1897, §6557; R. S. 1894, §6258; E. S., §1384.)

[Acts 1911, p. 534. Approved March 6, 1911. In force April 21, 1911.]

130. Constitutional Amendments—Political Party Action.

1. That whenever any constitutional amendment is to be submitted to a vote of the people, the State convention of any political party assembled for the purpose of nominating candidates for State officers of such political party, having at the last preceding general election polled at least one per cent. of the entire vote cast in the State, may take action in favor of or against the adoption of such constitutional amendment to be submitted at the next succeeding general election, and shall certify such action to the Secretary of State in the manner provided for certifying nominations for State officers, whereupon said action upon such constitutional amendment shall be printed upon the regular ballot at said election as a part of the party ticket of such political party in the manner hereinafter provided. If more than one proposed amendment to the Constitution is submitted at the same time, such political convention shall have the right to declare in favor of or against any or all of them. (R. S. 1914, Sec. 6944a.)

131. Ballots—Form.

2. Such constitutional amendment or amendments shall be stated on such ballots in words sufficient to clearly desig-

nate the same, and such statement or statements shall be printed in a separate column on the official ballot. On the lines below such statement shall be printed the word "Yes," and on the next line below shall be printed the word "No." Said statement shall also be placed on the official ballot immediately below the names of the candidates for State offices on the regular ticket of any party or parties certifying action thereon as provided in Section 1 of this Act, followed by the word "Yes" or the word "No," according as affirmative or negative action shall have been certified thereon by said party or parties, and said statement of said amendment or amendments with the action taken thereon by said party, shall thereupon become a part of said party ticket. (R. S. 1914, Sec. 6944b.)

132. Marking of Ballot.

3. The elector shall observe the following rules in marking his ballot:

(a) He may make a cross-mark (X) in the blank space to the left of and before the answer he desires to give to the submission of any constitutional amendment in the separate column devoted to said amendments, in which event if said voter should vote a straight party ticket upon which such constitutional amendment or amendments are placed such vote upon the question of such constitutional amendment or amendments shall be counted as indicated in the separate column containing such constitutional amendment or amendments; or if he votes a mixed ticket he may make a cross-mark (X) in the blank space to the left of and before the statement and answer thereto of any constitutional amendment as the same may be printed and certified on the ticket of any political party; whereupon such mark shall cast his ballot for the answer opposite which it is made.

(b) The voter if he desires to vote a straight party ticket [may] make a cross-mark (X) in the blank circular space at the head of any ticket upon which is printed the statement of any constitutional amendment or question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to the submission of each and every constitutional amendment so printed on said party ticket unless he shall have specifically marked any of said

constitutional amendment otherwise elsewhere on the ballot in the manner heretofore stated.

Any mark on a ballot made as prescribed in this section shall not be deemed a distinguishing mark. (R. S. 1914, Sec. 6944c.)

133. Election Laws Applied.

4. Except as provided herein of the provisions of Section 62 of an act entitled "An Act concerning elections, providing penalties for violation of same," approved March 6, 1889, the same being Section 6258 of Burns' Revised Statutes of 1901, shall apply to the election herein provided for and all the provisions of State law or laws relating to the marking and counting of ballots for candidates not inconsistent herewith shall apply to the marking and counting of votes upon any constitutional amendment in any election held under the provisions of this Act. (R. S. 1914, Sec. 6944d.)

134. Voting Machines.

5. In all precincts wherein voting machines are employed, the statement or statements mentioned in Section 2 of this Act shall be so placed upon such voting machine and if such political convention or conventions shall take the action prescribed in Section 1 of this Act all such voting machines shall be so arranged as that the voter may cast his ballot for or against any proposed amendment or amendments as a part of the straight party ticket as may be certified by such political convention, and such statement or statements and voting machines shall also be so arranged as that the voter may vote for or against any amendment separately and not as a part of a straight party ticket. (R. S. 1914, Sec. 6944e.)

135. Preservation of Affidavits.

63. All affidavits provided in this Act to be used on the day of election at the several polling places shall, at the close of the count, be placed in a strong paper bag, or envelope, by the Election Board and securely sealed by them, each member indorsing his name on the back of such bag or envelope. Such bag or envelope shall be delivered within

S. 1908 and 1914, §6949; R. S. 1901, §6263; R. S. 1897, §6562; R. S. 1894, §6263; E. S., §1389.)

[1881, S., p. 428. Approved April 21, 1881. In force September 19, 1881.]

140. Duty of Board.

29. No Inspector, Clerk or Judge of any election shall vote after commencing to count the votes, nor publish any statement of the result of the counting until such election is closed. (R. S. 1908 and 1914, §6950; R. S. 1901, §6264; R. S. 1897, §6563; R. S. 1894, §6264; R. S. 1881, §4707.)

141. Adjournments Forbidden.

30. After the opening of the polls at any election in this State no adjournment shall be had nor any recess taken until all the votes cast at such election shall have been counted, and the result publicly announced. (R. S. 1908 and 1914, §6951; R. S. 1901, §6265; R. S. 1897, §6564; R. S. 1894, §6265; R. S. 1881, §4708.)

142. Meals for Election Officers.

31. It shall be the duty of the Township Trustees, in their respective townships, to cause the members of the Election Board in each township or precinct to be furnished with good, plain, and substantial meals, at the regular hours for meals, during the election day and until the count is finished, but no spirituous, vinous, or fermented liquors shall be furnished. Such Trustees shall be allowed, and paid, by the County Board the actual cost of such meals, in their next regular account. (R. S. 1908 and 1914, §6952; R. S. 1901, §6266; R. S. 1897, §6565; R. S. 1894, §6266; R. S. 1881, §4709.)

143. Certificate of Judges.

34. When the vote shall be counted, the Boards of Judges shall make out a certificate, under their hands, stating the number of votes each person has received, and designating the office; which number shall be written in words; and such certificate, together with one of the lists of voters and one of the tally papers, shall be deposited with the Inspector, or with one of the Judges selected by the Board

of Judges. (R. S. 1908 and 1914, §6953; R. S. 1901, §6267; R. S. 1897, §6566; R. S. 1894, §6267; R. S. 1881, §4712.)

144. Care of Ballots and Papers.

35. As soon as the votes are counted, and before the certificate of the judges, as prescribed in the foregoing section, is made out, the ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the Judges and Clerks, be carefully and securely placed by the Inspector, in the presence of the Judges, in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the Inspector, and shall be delivered by such Inspector to the County Clerk at the very earliest possible period before or on the Thursday next succeeding said election; and the Inspector shall securely keep said envelope containing the ballots and papers therein, and permit no one to open said envelope or touch or tamper with said ballots or papers therein. And upon the delivery of such envelope to the Clerk, the Inspector shall take and subscribe an oath, before said Clerk, that he has securely kept said envelope and the ballots and papers therein, and that, after said envelope had been closed and sealed by him in the presence of the Judges and Clerks, he had not suffered or permitted any person to break the seal or open said envelope, or touch, or tamper with said ballots or papers, and that no person has broken such seal or opened said envelope to his knowledge; which oath shall be filed in said Clerk's office with the other election papers. (R. S. 1908 and 1914, §6954; R. S. 1901, §6268; R. S. 1897, §6567; R. S. 1894, §6268; R. S. 1881, §4713.)

NOTE.—So much as relates to the preservation of the ballots (R. S. 1901, §6248) and as to when the tally papers, etc., shall be returned (R. S. 1905, §6275d) has been repealed. (R. S. 1908, §§6934, 6965; *ante*, §83, *post* §104.)

[Acts 1905, p. 189.]

145. Inspector—County and City Clerks—Duties.

10. It shall be the duty of each Inspector of Elections as soon as the certificates required by law to be signed by the Precinct Election Boards have been signed, to deliver the same with one of the lists of voters and one of the tally papers containing the vote of the precinct for all State, dis-

strict and county officers voted for and with the bags required by law to be returned by said Inspector to the Clerk of the Circuit Court at the court house for the use of the Board of Canvassers, and in city elections to the City Clerk, and that there may be no delay in the canvassing of the vote of any county or city it is declared to be the duty of the Clerk to keep the Clerk's office open all night upon the night of any election at which county or city officers are voted for. (R. S. 1908 and 1914, §6965; R. S. 1905, §6275d.)

146. Clerk's and Trustee's Duties.

36. The Clerk shall securely keep said envelope, so sealed, with the ballots, and papers therein, in the same condition as it was received by him from the Inspector, in his office (unless opened by said Inspector, in the presence of the Board of Canvassers, as herein provided), for the period of six months. But when such election is contested, he shall preserve them so long as said contest is undetermined, subject to the order of the Court trying such contest: Provided, That said Inspector shall, after sealing said envelopes containing such ballots and one of his poll books and tally papers, plainly mark said envelope upon the outside, in ink, with the name, number and township. And after each election the ballot box herein provided for shall be, by said Inspector, deposited with the Township Trustee of the township in which his precinct is situate, for safekeeping. And said officers of election shall, upon receiving the pay for their services as such from said Township Trustee, deliver to him the keys to the said ballot box in their custody. (R. S. 1908 and 1914, §6955; R. S. 1901, §6269; R. S. 1897, §6568; R. S. 1894, §6269; R. S. 1881, §4714.)

[Acts 1905, p. 189. Approved March 4, 1905.]

147. Board of Canvassers.

1. That in each county in the State the county Board of Election Commissioners shall constitute a county Board of Canvassers, who shall canvass and estimate the certificates, poll lists and tally papers returned by each Inspector of Elections in the county, for which purpose the Board shall assemble in the Circuit Court room in the court house, at six o'clock p. m., upon the day of each election; and that

in each city in the State, the city Board of Election Commissioners shall constitute a city Board of Canvassers, who shall canvass and estimate the certificates, poll lists, and tally papers returned by each Inspector of Election at all city elections, for which purpose the Board shall assemble in the council chamber of said city at six (6) o'clock p. m. upon the day of said election. (R. S. 1908 and 1914, §6956; R. S. 1905, §6270.)

148. Chairman—Clerk.

2. The members of such county Board shall select one of their number as chairman, and the Clerk of the Circuit Court shall act as Clerk of the county Board; and the members of such city Board shall select one of their number as chairman, and the Clerk of such city shall act as clerk of the said Board. (R. S. 1908 and 1914, §6957; R. S. 1905, §6271.)

149. Clerical Assistants.

3. Each of such Board of Canvassers shall employ such clerical assistance as in its judgment may be deemed necessary for the proper canvassing and tabulating of the vote: Provided, That not more than one-half of the clerks employed upon such work of canvassing shall be members of the same political party; and such clerks shall be paid for their services a reasonable compensation to be fixed by said Board of Canvassers, not, however, to exceed the sum of fifty cents per hour to each Clerk for the time actually employed upon such canvass, and the order of said county Board upon the County Treasurer for clerical services rendered said county Board shall be sufficient authority to the County Treasurer to pay to the holder of the same the amount therein fixed: Provided, There is money in the treasury for that purpose; if there be no funds to pay such order when presented the Treasurer shall indorse thereon "Not paid for want of funds," and the day of such presentment over his signature, which shall entitle such order to draw thenceforth legal interest; and the order of such city Board upon the City Treasurer for clerical services rendered such city Board shall be sufficient authority for the City Treasurer to pay to the holder of the same the amount

therein fixed: Provided, There is money in the city treasury for that purpose, and if there be no funds to pay such order or orders when presented the Treasurer shall indorse thereon "Not paid for want of funds," and the date of such presentment over his signature, which shall entitle such order to draw henceforth legal interest. The members of any such Board shall receive for their services as Board of Canvassers such amount as may be fixed by the Board of Commissioners or Common Council, as the case may be. (R. S. 1908 and 1914, §6958; R. S. 1905, §6272.)

150. Board's Duties.

4. Such county or city Board when organized shall carefully compare and examine the papers intrusted to it, and aggregate and tabulate from them the vote of the county, or the vote of the city, as the case may be, a statement of which shall be drawn up by the clerk which shall contain the names of the persons voted for, the office, the number of votes given in each precinct, ward or township in a county election, and in each ward and precinct in a city election to each person; the number of votes given to each in the county or city and also the aggregate number of votes given, which statement shall be signed by each member of such Board, and canvass sheets together with such certificates, poll books and tally papers shall be delivered to the Clerk, and by him filed in his office; and the same shall be preserved by him open to the inspection of any legal voter. (R. S. 1908 and 1914, §6959; R. S. 1905, §6273.)

151. Certificates.

5. Such county Board shall declare the persons having the highest number of votes given for any office to be filled by the voters of a single county duly elected to such office, and certify the same in the statement above required; and such city Board shall declare the persons having the highest number of votes given for any office to be filled by the voters at a city election, duly elected to such office, and certify the same in the statement above required. (R. S. 1908 and 1914, §6960; R. S. 1905, §6274.)

152. Tie Vote.

6. If two or more persons shall have the highest and equal number of votes for a single office to be filled by the voters of such county or city, such county or city Board shall declare that no person is elected to fill such office, and shall certify the same in the statement above provided and when filed the clerk shall certify the fact to the tribunal whose duty it is to supply vacancies in such office, or to issue writ of election to fill the same, as the case may require. (R. S. 1908 and 1914, §6961; R. S. 1905, §6275.)

153. Defective Papers—Duty of Board.

7. No tally papers, poll-book or certificates returned from any election by Board of Judges thereof shall be rejected for want of form, or for lack of being strictly in accordance with the directions contained in the election laws if the same can be satisfactorily understood, and such Board of Canvassers shall in no case reject the returns from any precinct if the same be certified by the Board of Election of that precinct as required by law, and returned by the Inspector or one of the Judges of said Board. (R. S. 1908 and 1914, §6962; R. S. 1905, §6275a.)

154. Evidence—When Heard—Witness in Contempt.

8. County or city Boards of Election Commissioners and county or city Boards of Canvassers in matters concerning the sufficiency or validity of any nominating certificate or petition, may examine on oath any person touching any material matter connected with or bearing on the proper discharge of their duties. Any member of the Board may administer such oath. Either of said Boards is given full power to send for persons and papers, and compel the witnesses to answer under oath touching any questions which may properly come before said Board. The Sheriff of the county in county elections and City Marshal or Superintendent or Chief of Police in city elections shall serve all process, and obey all orders of such Board, and shall during the canvass provide a deputy who shall remain in attendance upon such Board of Canvassers, and shall be paid by the county or city for such services at the rate of two dollars for every eight hours of such attendance. In

case of the refusal of any person subpoenaed to attend or testify such fact shall be reported forthwith by such Board of Election Commissioners or said Board of Canvassers, to any Circuit or other court of general jurisdiction of the county, or to a Judge thereof, and such court or Judge shall order such witnesses to attend and testify, and on failure or refusal to obey such order such witnesses shall be dealt with as for contempt. (R. S. 1908 and 1914, §6963; R. S. 1905, §6275b.)

155. Disputes—Decision by Circuit Judge.

9. In case of a disagreement between the members of County and City Board of Canvassers as to how the vote of any precinct shall be counted the matter in dispute shall be forthwith reported by said Board to the Judge of the Circuit Court in a brief written statement setting forth the grounds of disagreement together with all papers concerning the matter, and such Judge shall summarily determine said dispute, and direct how such vote shall be counted, and such determination shall be final as regards the action of said Board of Canvassers. (R. S. 1908 and 1914, §6964; R. S. 1905, §6275c.)

156. Certificate of Election.

43. Where any person is elected to an office by the voters of a county not to be commissioned by the Governor, the Clerk of the Circuit Court shall, after ten days from the time the Board of Canvassers has made its returns, make out and deliver, on demand, to such person, a certificate of his election; and in case where any officer is to be commissioned by the Governor, he shall make out a statement under his hand and the seal of his court, specifying the number of votes given to each person for each office, and who has been declared elected, and shall transmit the same, by mail, to the Secretary of State, within the time aforesaid. (R. S. 1908 and 1914, §6968; R. S. 1901, §6276; R. S. 1897, §6574; R. S. 1894, §6276; R. S. 1881, §4721.)

157. Defective Returns—Commissions.

44. No commission shall be withheld by the Governor on account of any defect or informality in the return of

any election to the office of Secretary of State, if it can, with reasonable certainty, be ascertained from such return what office is intended and who is entitled to such commission. (R. S. 1908 and 1914, §6969; R. S. 1901, §6277; R. S. 1897, §6576; R. S. 1894, §6277; R. S. 1881, §4722.)

158. Certificates of Votes for Legislators.

45. When two or more counties compose a district to elect a Senator or Representative, the Clerks of the Circuit Courts of such counties, on the day next succeeding the return day of such election, shall make out a certificate of votes received by each individual for Senator or Representative, and deliver the same to the Sheriff. (R. S. 1908 and 1914, §6970; R. S. 1901, §6278; R. S. 1897, §6577; R. S. 1894, §6278; R. S. 1881, §4728.)

159. Certificate of Election of Legislators.

46. Such Sheriffs shall meet on the Wednesday next following the return day of such election, between the hours of one and six of the afternoon at the court house of the oldest county in such district, where they shall compare the certificates delivered to them by the Clerks, and shall jointly make out and transmit to the person having the highest number of votes for Senator or Representative a certificate of his election. The county first organized (or, if two or more were organized at the same session, then the county having, by the Auditor of State's last report, the highest number of taxable polls) shall be deemed the oldest. (R. S. 1908 and 1914, §6971; R. S. 1901, §6279; R. S. 1897, §6578; R. S. 1894, §6279; R. S. 1881, §4724.)

160. Tie Vote for Legislators.

47. If, in such case, any two or more persons shall have the highest and an equal number of votes for the same office, such Sheriffs shall certify that fact to the Clerk of the Circuit Court of the county in which such Sheriffs shall have compared such votes, and such Clerk shall forthwith certify the same to the Governor. (R. S. 1908 and 1914, §6972; R. S. 1901, §6280; R. S. 1897, §6579; R. S. 1894, §6280; R. S. 1881, §4725.)

161. Certificate to Secretary of State.

48. Clerks of the Circuit Court, on the day succeeding the return day of such election, shall make out in words, certified statements, officially sealed, of the number of votes given to each person for Governor and Lieutenant-Governor, for Representative in Congress, Judges of the Supreme and Circuit Courts, Clerk of the Supreme Court, Reporter of the decisions of the Supreme Court, Prosecuting Attorney, Superintendent of Public Instruction, Secretary, Auditor, and Treasurer of State, and for Senator and Representative in the General Assembly, and shall deliver the same to some postmaster of the county, to be transmitted by mail to the Secretary of State, taking from such postmaster, and filing a certificate setting forth particularly the time when such certified statement was deposited in such postoffice. (R. S. 1908 and 1914, §6973; R. S. 1901, §6281; R. S. 1897, §6580; R. S. 1894, §6281; R. S. 1881, §4726.)

162. Duty of Secretary of State.

49. The Secretary of State shall, in the presence of the Governor, compare and estimate the number of votes given for Judges of the Supreme Court, Reporter of the decisions of the Supreme Court, Clerk of the Supreme Court, Secretary and Auditor, and Treasurer of State, and Superintendent of Public Instruction, and certify to the Governor the persons receiving the highest number of votes for such offices, and also compare and estimate the number of votes given for Judges of the Circuit Court and Prosecuting Attorney, and certify to the Governor the persons having received the highest number of votes in their respective districts; and thereupon the Governor shall transmit, by mail, to such persons their commissions. (R. S. 1908 and 1914, §6974; R. S. 1901, §6282; R. S. 1897, §6581; R. S. 1894, §6282; R. S. 1881, §4727.)

163. Secretary of State and Governor, as to Congressmen.

50. The Secretary of State, as soon as he shall receive such certified statements, shall compare and estimate the votes given for Representatives in Congress, and certify to the Governor the persons having the highest number of

votes as duly elected; and the Governor shall give to each of the persons returned to him, as aforesaid, a certificate of his election, sealed with the seal, and attested by the Secretary of State: Provided, That no return of any county which has come into his hands, and which has been duly authenticated by the Clerk thereof, under seal, as hereinbefore provided, shall be rejected by said Secretary of State, but he shall estimate, aggregate, and tabulate, and report to the Governor the total number of votes cast in each county for each candidate for State office, Supreme Judge, or other officer to be elected by all the voters of the State, and members of Congress, as evidenced to him by the face of such return so certified to him. (R. S. 1908 and 1914, §6975; R. S. 1901, §6283; R. S. 1897, §6582; R. S. 1894, §6283; R. S. 1881, §4728.)

164. Clerk's Duty as to Election of Governor.

51. Each Clerk of the Circuit Court shall, on the day following the return day of election for Governor and Lieutenant-Governor, make out at full length, two certified statements, under the seal of his court, the number of votes each candidate received; one of which he shall transmit to the Speaker of the House of Representatives of the next General Assembly, by his Senator or Representative, who shall deliver the same to such Speaker on or before the second day of the session, and the other certified statement shall be transmitted by mail to Indianapolis, directed to said Speaker, and to the care of the Secretary of State, by whom the same shall be delivered to the Speaker on or before the second day of the session. (R. S. 1908 and 1914, §6976; R. S. 1901, §6284; R. S. 1901, §6284; R. S. 1897, §6583; R. S. 1894, §6284; R. S. 1881, §4729.)

165. Pay of Officers.

52. Each Inspector, Judge and Clerk of any election shall be allowed and paid two dollars for each day's service while attending such election and performing the duties of his office; and the same rate for one day's services, and mileage at the rate of five cents per mile, going and returning, shall be allowed and paid to each member of the Board of Canvassers. (R. S. 1908 and 1914, §6977; R. S. 1901,

§6285; R. S. 1897; §6584; R. S. 1894, §6285; R. S. 1881, §4730.)

ARTICLE 2—SPECIAL ELECTIONS.

SEC.

166. When to be held.

167. When Governor to order.

SEC.

168. Notice by Sheriff.

169. How conducted.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

166. When to Be Held.

53. A special election shall be held in the following cases:

First. Whenever a vacancy shall occur in the office of Senator or Representative during a session, or when the Legislature will be in session after the occurrence of a vacancy and before a general election.

Second. Whenever a vacancy shall occur in the office of Representative in Congress while in session, or when Congress will be in session after such vacancy occurs and before a general election.

Third. Whenever two or more persons receiving votes at any election shall have the highest and an equal number of votes for the same office.

Fourth. Whenever a vacancy occurs in any office required to be filled at a special election. (R. S. 1908 and 1914, §6978; R. S. 1901, §6286; R. S. 1897, §6585; R. S. 1894, §6286; R. S. 1881, §4731.)

167. When Governor to Order.

54. Special elections not otherwise provided for shall be ordered by the Governor, who shall issue a writ or writs of election, directed to the Sheriff or Sheriffs of the proper county or counties; and such writ shall specify the county, district, or circuit in which such election is to be held, the cause and object of such election, the name of the person whose office is vacant, and the day on which such election shall be held; which day shall be the same in case such election is held in a district or circuit formed of two or more counties. (R. S. 1908 and 1914, §6979; R. S. 1901, §6827; R. S. 1897, §6586; R. S. 1894, §6287; R. S. 1881, §4732.)

168. Notice by Sheriff.

55. The Sheriffs who receive such writs ordering a special election shall give the same notice thereof as is required of general elections: Provided, Such notice may be set up and published ten days only. (R. S. 1908 and 1914, §6980; R. S. 1901, §6288; R. S. 1897, §6587; R. S. 1894, §6288; R. S. 1881, §4733.)

169. How Conducted.

56. All special elections shall be conducted, returned, certified and canvassed, and certificates and commissions shall issue, and shall in all respects be governed by the provisions of this law regulating general elections, so far as applicable. (R. S. 1908 and 1914, §6981; R. S. 1901, §6289; R. S. 1897, §6588; R. S. 1894, §6289; R. S. 1881, §4734.)

ARTICLE 3—TOWNSHIP ELECTIONS.

SEC.	SEC.
170. When held.	175. Ballots.
171. Township Trustee—Assessor—Date of election.	176. Supervisors—Election—Pay—Districts.
172. Terms of Trustees and Assessors.	177. Canvass—Inspector's duties.
173. Justices of Peace and Constables.	178. Tally papers.
174. Election governed by general law.	179. Certificates.

[1893, p. 192. Approved March 2, 1893. In force May 18, 1893.]

170. When Held.

1. The time of holding the election of Township Trustees, Justices of the Peace, Assessors, Constables, Road Supervisors and such other officers of townships as may be provided for by law, shall be changed from the April election, and all such township officers shall be elected at the general election to be held on the first Tuesday after the first Monday in November, 1894, and every four years thereafter, and which election shall be conducted by the provisions of the law governing said general election. (R. S. 1908 and 1914, §6982; R. S. 1901, §6290; R. S. 1897, §6589; R. S. 1894, §6290.)

[Acts 1911, page 113. Approved March 2, 1911. In force April 21, 1911.]

171. Township Trustee—Assessor—Date of Election.

1. That section one (1) of the above entitled act, the same being section 6983 of Burns' Annotated Indiana

Statutes, revision of 1908, be and the same is hereby amended as follows: Section 1. That the time for holding the election of Township Trustees and Assessors shall be changed from the general election on the first Tuesday after the first Monday in November, 1912, to the general election on the first Tuesday after the first Monday in November, 1914; and at the general election on the first Tuesday after the first Monday in November of every fourth year thereafter. (R. S. 1914, Sec. 6983.)

[1901, p. 415. Approved March 11, 1901. In force May 15, 1901.]

172. Terms of Trustees and Assessors.

3. The terms of all Township Trustees and Township Assessors to be elected at the general election in November, 1904, shall begin on the first day of January, 1905; and thereafter the terms of office of all Township Trustees and Township Assessors shall begin on the first day of January succeeding their election. (R. S. 1908 and 1914, §6989; R. S. 1901, §6293a.)

[1897, p. 64. Approved February 25, 1897. In force April 14, 1897.]

173. Justices of Peace and Constables.

2. The time of holding the election of Justices of the Peace, Constables and such other officers of the township, as may be provided for by law, and the time when they shall enter upon the duties of their respective offices, shall remain as now fixed by law. (R. S. 1908 and 1914, §6984; R. S. 1901, §6290b; R. S. 1897, §6591.)

174. Election Governed by General Law.

3. The election of said township officers shall be conducted under the provisions of the law governing said general election. (R. S. 1908 and 1914, §6985; R. S. 1901, §6290c; R. S. 1897, §6592.)

175. Ballots.

4. The names of the different candidates for said township offices shall be printed on separate ballots of a yellow color and deposited in separate ballot boxes from that of the State and county ballots; said ballot boxes shall be

painted yellow and said ballots and ballot boxes shall be prepared in conformity with the law governing said general elections. (R. S. 1908 and 1914, §6986; R. S. 1901, §6291; R. S. 1897, §6593.)

[Acts 1913, p. 862. Approved March 15, 1913.]

176. Road Supervisors—Election—Pay—Districts—Duties.

1. That the supervisors of each and every township hereinafter provided for, shall be elected at the general election to be held in November, 1914, to serve for a period of two years, and their successors shall be elected at each biennial election thereafter; and all such supervisors so elected shall hold office until their successors are appointed and qualified. In all townships in this state in which the township roads do not exceed ten miles in length, the township trustee shall be ex-officio road supervisor, and in no case shall there be to exceed four supervisors in any one township in this state. Each supervisor shall at the time of he is elected. A certificate of election shall be issued by the election board in which such election is had within three days thereafter to the person so elected. Such supervisor shall take an oath, before entering upon the discharge of his duties, for the faithful performance thereof, and give a bond with surety to be approved by the township trustee, and conditioned for the faithful discharge of his duties, in the sum of not less than two hundred (\$200.00) dollars, which bond shall be deposited with the township trustee: *Provided*, That if any person elected supervisor shall be unable to give such bond, such inability shall be a defense to the collection of the forfeiture herein provided for, and the township trustee shall appoint some one else as supervisor who shall serve until his successor is elected and qualified. Each road supervisor shall receive for his services actually performed the sum of twenty-five cents (25c) per hour, for not to exceed sixty (60) days except that in the event of the election of but one (1) supervisor for his township, the township may extend the time said supervisor shall work to not more than 120 days in any one year to be paid out of the township treasury. Before receiving such pay he shall file a sworn statement with the trustee of the township, which statement shall specify the days and roads upon which such services

were performed. Upon failure or neglect to carry out or perform such duties as are imposed upon him, and supervisor shall be liable upon the bond hereinbefore provided for, or he may be removed from office by the township trustee. The township trustee shall fill all vacancies for the unexpired term, and shall notify such appointee of his appointment within three (3) days thereof. Such supervisors shall have charge of and work and keep in good repair the roads of their respective districts. They shall be subject to the control and direction of the township trustee, who shall see that their duties be faithfully performed, and who shall see that the roads of the townships are dragged whenever the weather conditions make such work advisable. He shall also call out all persons in such district liable to work on highways therein, superintend the labor thereon, see that the same is faithfully performed and report to the trustee all fines and commutation moneys due such district and the same shall be collected by such trustee, and whenever such trustee shall deem it necessary he may make any change in the road districts that may subserve the public interest. On dividing his township into road districts, or where any change is made therein, such trustee shall record a plat thereof in the highway record of his township, which shall show the roads and parts of roads belonging to each road district. Road districts shall not be held to include any part or parts of cities or incorporated towns that may be in the township in which such road districts are located. (R. S. 1914, Sec. 7760.)

[1881, p. 482. Approved April 21, 1881. In force September 19, 1881.]

177. Canvass—Inspector's Duties.

58. The Board of Judges shall count the votes given for each person for each office, and certify the result, and the Inspector shall file one of the poll books and tally sheets, with ballots on a string, in the Clerk's office of the county, within ten days after such election. If two or more have the highest and an equal number of votes for the same office; such Judges shall, when the result is certified, determine by lot the person entitled to the office, and the next day, the Inspector shall make out and deliver to the person elected, when demanded, a certificate for each person

elected to any office in said township, except Justice of the Peace: Provided, That, if there be more than one precinct in said township, then the Inspectors of the several precincts shall meet, on the day following the election, at the office of the Township Trustee, at as near ten o'clock a. m. as is practicable, and compare the poll books and certificates thereto held by them, and having aggregated the vote of the township, declare and certify the result; and if two or more persons have the highest and an equal number of votes for the same office, they shall determine, by lot, which shall be declared elected, and give a certificate accordingly. (R. S. 1908 and 1914, §6987; R. S. §1901, §6292; R. S. 1897, §6594; R. S. 1894, §6292; R. S. 1881, §4736.)

[Acts 1905, p. 193.]

178. Tally Papers.

The tally papers for township elections shall be kept separate and apart from those upon which are recorded the votes cast for candidates for State, district and county offices, and the vote for township offices shall be canvassed as heretofore provided by law: Provided, however, That in all townships having more than ten (10) voting precincts the vote thereof for township officers shall be canvassed by the county Board of Canvassers as herein provided for all county elections. (R. S. 1908 and 1914, §6966; R. S. 1905, §6275e.)

[1889, p. 344. Approved March 9, 1889. In force May 10, 1889.]

179. Certificates.

59. Such certificate shall entitle the holder to qualify and enter upon his discharge of the duties of the office to which he is elected, at the expiration of ten days from the day of such election, except that of Township Trustee and Township Assessor, who shall enter upon the duties of their offices on the first Monday of August following such election, and also except that the certificates of election of Justices of the Peace shall be forwarded by the Inspector aforesaid to the Clerk of the Circuit Court, who shall certify the result for that office to the Secretary of State. (R. S. 1908 and 1914, §6988; R. S. 1901, §6293; R. S. 1897, §6595; R. S. 1894, §6293.)

ARTICLE 4—RE-COUNTING.

SEC.

180. When candidate may have.
 181. Proceeding to obtain.
 182. Order for recounting—How conducted.
 183. Certificate of recount.
 184. Adjournments forbidden—Pay—Ballots, how preserved.

SEC.

185. Elections—Voting machines—Recount.
 186. Contests petition—Order for recount.
 187. Date for hearing.
 188. Hearing—Examination—Assistant.
 189. Correction of totals.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

180. When Candidate May Have.

61. At any time within ten days after the Thursday next succeeding any election, any candidate for office at such election, desiring to contest the same, may petition, in writing, the Circuit Court, if in session, or the Judge thereof in vacation, for a re-count of the ballots cast at such election, by three Commissioners, appointed by the Court or Judge, two of whom shall be from different political parties: Provided, That such appointments shall be made from the political parties which cast the highest number of votes at the last preceding general election. (R. S. 1908 and 1914, §6990; R. S. 1901, §6294; R. S. 1897, §6596; R. S. 1894, §6294; R. S. 1881, §4738.)

1. This and the succeeding four sections may be considered as repealed.

181. Proceeding to Obtain.

62. Upon the petition of such candidate, duly verified, showing that he desires to contest such election, and honestly believes that there was a mistake or fraud committed in the official count, and that he desires a re-count of the ballots cast at said election for the office for which he was a candidate, and upon proof that he has served a written notice upon the opposing candidate of the time and place of such application, five days before the hearing, and upon his furnishing a written undertaking, with sufficient freehold surety, that he will pay all the costs of such re-count, the Court or Judge shall grant the prayer of said petition and order said re-count to be made. (R. S. 1908 and 1914, §6991; R. S. 1901, §6295; R. S. 1897, §6597; R. S. 1894, §6259; R. S. 1881, §4739.)

182. Order for Re-counting—How Conducted.

63. In appointing such commissioners to make said re-count, the Court shall fix the time within which the same

shall commence, not exceeding thirty days thereafter, and the Clerk of the Circuit Court shall act as Clerk of said Commissioners. The order shall provide that each of the candidates may be present during said re-count; and two qualified voters of the county, selected by each of said candidates, may also be present, and may witness the re-count of the vote, and such witnesses shall conduct themselves in a quiet and orderly manner, and shall not interrupt said Commissioners while in the discharge of their duties. Such order shall be entered on the order book of the Circuit Court. (R. S. 1908 and 1914, §6992; R. S. 1901, §6296; R. S. 1897, §6598; R. S. 1894, §6296; R. S. 1881, §4740.)

183. Certificate of Re-count.

64. When said re-count is finished, the Commissioners, or a majority of them, shall make out a certificate, under their hands, stating the number of votes that each of said candidates has received for said office in each township and precinct, and which of said candidates, as shown by the said re-count, received the highest number of votes, and what his majority or plurality was; and said certificate shall be filed with the Clerk of the Circuit Court and recorded in the order book of said court. Such certificate, or the record thereof, may be used as evidence of the facts therein recited upon the trial of any contest of said election between said candidates. (R. S. 1908 and 1914, §6993; R. S. 1901, §6297; R. S. 1897, §6599; R. S. 1894, §6297; R. S. 1881, §4741.)

184. Adjournments Forbidden—Pay—Ballots, How Preserved.

65. No adjournment shall be had until said re-count is finished and said certificate is made out and filed. Said Commissioners shall each be allowed, and paid by said petitioners, at the rate of three dollars per day, each, for their services. Said Clerk shall, as soon as such re-count is completed, replace said ballots in the ballot-boxes, securely lock and seal them, and keep them as above provided. For his services in the matter of such re-count, said Clerk shall receive from such petitioner the sum of five dollars. (R. S.

1908 and 1914, §6994; R. S. 1901, §6298; R. S. 1897, §6600; R. S. 1894, §6298; R. S. 1881, §4742.)

[Acts 1911, page 67. Approved February 25, 1911. In force April 21, 1911.]

185. Elections—Voting Machines—Re-count.

1. *Be it enacted by the General Assembly of the State of Indiana*, That at any time within ten days after the Thursday next succeeding any election, wherein the votes are cast by means of voting machines, any candidate for office at such election, desiring to contest the same, may petition [petition], in writing, the Circuit Court, if in session, or the Judge thereof in vacation, for a recount of ballots cast within the bounds of the county wherein such court has jurisdiction. (R. S. 1914, Sec. 6994a.)

186. Contest Petition—Order for Re-count.

2. Upon the petition of such candidate, duly verified, showing that he desires to contest such election, and honestly believes that said machine, or machines, was defective, or was tampered with unlawfully, or there was mistake or fraud committed in the official count of the vote recorded by said machine, or machines, in any voting precinct or precincts within said county, and that he desires a recount and correction of the ballots cast on said machine, or machines, at said election for the office for which he was a candidate, and upon his furnishing a written undertaking, with sufficient freehold security, that he will pay all costs of such recount, the court or judge shall grant the prayer of said petition [petition] and order said recount to be made, and set the same for hearing and the Clerk of said court will issue process on the petition against the opposing candidate as provided in civil cases. (R. S. 1914, Sec. 6994b.)

187. Date for Hearing.

3. In fixing such date for said recount and correction the court shall fix the time within twenty days thereafter unless the time for granting said petition [petition] be in vacation and more than twenty days prior to the first day of the next succeeding term of court, in which case he shall fix the said date for hearing on the first day of the following term of said court. (R. S. 1914, Sec. 6994c.)

188. Hearing—Examination—Assistant.

4. Upon the day fixed the court shall proceed to make such recount and correction by hearing evidence as in other cases and the court shall have power to open and examine said machine or machines and to appoint a competent mechanic to assist in such examination and said examination is to be made in open court and such mechanic shall receive the sum of \$5 for his said services in addition to the regular witness fee. (R. S. 1914, Sec. 6994d.)

189. Correction of Totals.

5. When the evidence is heard said court shall decide the number of votes each of said candidates received by said machine or machines in said respective precinct or precincts and said court shall, in case of fault of the machine to properly register from any cause or an incorrect or fraudulent count, correct the same and give to each of said candidates his correct vote in said precinct or precincts, and shall in the case of township, city and county offices correct the total vote of such candidates in said township, city or county in accordance with said finding and declare the one receiving the greatest number of votes elected to said office and in circuit, district and State offices such correction, if any, shall be certified by the Clerk of said court to the Secretary of State who shall correct the total vote of such candidate in accordance therewith. (R. S. 1914, Sec. 6994e.)

ARTICLE 5—CONTEST.

SEC.

- 190. Who may contest.
- 191. Contest for state office.
- 192. Notice.
- 193. Committee to try—Powers.
- 194. Contesting seat of Legislator.
- 195. Depositions.
- 196. Notice to contestee.
- 197. Powers of Justices.
- 198. Vacancy.
- 199. Meeting of Justices—Their duty.
- 200. Clerk's duty.
- 201. Duties of Secretary of State.
- 202. Depositions; when read.

SEC.

- 203. Causes for contest.
- 204. Election, when not set aside.
- 205. Contest for local offices.
- 206. Notice by Auditor to Clerk.
- 207. Notice to County Board of Contestee.
- 208. Subpoenas—Trial of contest.
- 209. Appeals.
- 210. Duty of Court on appeal.
- 211. Voters compelled to testify.
- 212. Fees and costs.
- 213. Commissioner to take testimony.
- 214. Contest for municipal office.
- 215. Appeal to Supreme Court.

[1881, S., p. 482. Approved April 21, 1881. In force September 19, 1881.]

190. Who May Contest.

66. The election of any person declared elected by popular vote to any office, whether State, county, township,

or municipal, may be contested by any elector who was entitled to vote for such person. The person contesting such election shall be known as the contestor; the person whose election is contested, as the contestee. (R. S. 1908 and 1914, §6995; R. S. 1901, §6299; R. S. 1897, §6601; R. S. 1894, §6299; R. S. 1881, §4743.)

191. Contest for State Office.

67. When such elector may choose to contest the election of any State officer, elective by the people, he shall, within twenty days after the first day of the next session of the General Assembly thereafter, deliver to the presiding officer of the House of Representatives specifications of the grounds of such contest; which specifications shall be verified by the affidavit of such electors. (R. S. 1908 and 1914, §6996; R. S. 1901, §6300; R. S. 1897, §6602; R. S. 1894, §6300; R. S. 1881, §4744.)

192. Notice.

68. As soon as such presiding officer receives such specifications, he shall make out a notice of contest, which, together with a copy of the specifications, he shall cause to be directed and delivered to the person whose election is contested; and shall immediately give notice to both Houses that such specifications have been received. (R. S. 1908 and 1914, §6997; R. S. 1901, §6301; R. S. 1897, §6603; R. S. 1894, §6301; R. S. 1881, §4745.)

193. Committee to Try—Powers.

69. Each House shall choose, by a viva voce vote, seven members of its own body; and the members thus selected shall constitute a committee to try and determine such contested election; and for that purpose shall hold their meetings publicly, at the capitol, at such time and place as they may designate, and may adjourn from day to day, or to a day certain, until such trial shall be determined. They shall have power to send for persons and papers and to take all necessary means to procure testimony, extending like privileges to the contestor and the contestee;

and shall report their judgment in the premises to both branches of the General Assembly; which report shall be entered on the journals of the respective Houses, and the judgment of such committee shall be conclusive. If such election be adjudged invalid, such office shall be vacant. (R. S. 1908 and 1914, §6998; R. S. 1901, §6302; R. S. 1897, §6604; R. S. 1894, §6302; R. S. 1881, §4746.)

194. Contesting Seat of Legislator.

70. Any such elector who may choose to contest the election of any person declared elected to a seat in the Senate or House of Representatives shall, within ten days after such election, file with the Clerk of the Circuit Court of the county in which the alleged cause of contest originated, a statement of the grounds of contest on which he relies, and that he was entitled to vote at such election, verified by his affidavit. (R. S. 1908 and 1914, §6999; R. S. 1901, §6303; R. S. 1897, §6605; R. S. 1894, §6303; R. S. 1881 §4747.)

195. Depositions.

71. When such statement shall be filed, such Clerk shall issue a commission directed to two Justices of the Peace of his county, not of kin to the contestor nor to any person who was a candidate at such election for the office the election to which is contested, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the time of issuing the same, for the purpose of taking the depositions of witnesses. (R. S. 1908 and 1914, §7000; R. S. 1901, §6304; R. S. 1897, §6606; R. S. 1894, §6304; R. S. 1881, §4748.)

196. Notice to Contestee.

72. Written notice of such contest, specifying the time and place of taking depositions and before whom to be taken, and a copy of such statement, certified by such Clerk, shall, within ten days after such statement shall have been filed, be delivered to the contestee, or, if he can not be found, shall be left at his last and usual place of residence by the Sheriff of the county, who shall return to such

Clerk a certified copy of such notice, with the manner and time of service indorsed thereon, for which he shall receive from the contestor the same fees allowed in writs of summons. (R. S. 1908 and 1914, §7001; R. S. 1901, §6305; R. S. 1897, §6607; R. S. 1894, §6305; R. S. 1881, §4749.)

197. Powers of Justices.

73. Either of such Justices shall have power to issue subpoenas, to be served by the Sheriff; and when met at the time and place appointed to take depositions, shall have the same power to issue attachments and assess fines against witnesses as is given to Justices in the trial of suits instituted before them. (R. S. 1908 and 1914, §7002; R. S. 1901, §6306; R. S. 1897, §6608; R. S. 1894, §6306; R. S. 1881, §4750.)

198. Vacancy.

74. If either of the Justices first appointed becomes unable to proceed in such examination, such Clerk shall fill the vacancy with any other Justice of the county. (R. S. 1908 and 1914, §7003; R. S. 1901, §6307; R. S. 1897, §6609; R. S. 1894, §6307; R. S. 1881, §4751.)

199. Meeting of Justices—Their Duty.

75. Such Justices shall meet at the time and place appointed, take and certify such depositions as in other cases, and may adjourn from time to time, and when the same is closed, shall deliver the depositions, with the commission, to such Clerk. (R. S. 1908 and 1914, §7004; R. S. 1901, §6308; R. S. 1897, §6610; R. S. 1894, §6308; R. S. 1881, §4752.)

200. Clerk's Duty.

76. Such Clerk shall seal up the depositions, original statement of the grounds of contest, the copy of the notice served on the contestee, and the commission issued to such Justices, indorse thereon the names of the contesting parties and the branch of the Legislature before which such contest is to be tried, and transmit the same, by mail, to the

Secretary of State. (R. S. 1908 and 1914, §7005; R. S. 1901, §6309; R. S. 1897, §6611; R. S. 1894, §6309; R. S. 1881, §4753.)

201. Duties of Secretary of State.

77. The Secretary of State, on or before the second day of the session of the General Assembly held next thereafter, shall deliver such depositions to the presiding officer of the proper House, who shall immediately lay the same before such House. (R. S. 1908 and 1914, §7006; R. S. 1901, §6310; R. S. 1897, §6612; R. S. 1894, §6310; R. S. 1881, §4754.)

202. Depositions; When Read.

78. At any time after notice of contest, and before final determination, either party may take depositions to be read on trial, under the rules regulating the taking of depositions to be read in the Circuit Court; and such depositions shall be sent, by mail, to the Secretary of State, who shall deliver the same, unopened, to the presiding officer of the proper House. (R. S. 1908 and 1914, §7007; R. S. 1901, §6311; R. S. 1897, §6613; R. S. 1894, §6311; R. S. 1881, §4755.)

203. Causes for Contest.

79. Any election, the contest of which is provided for in this Act, may be contested for any of the following causes:

First. For irregularity or malconduct of any member or officer of the proper Board of Judges or Canvassers.

Second. When the contestee was ineligible.

Third. When the contestee, previous to such election, shall have been convicted of an infamous crime, such conviction not having been reversed nor such person pardoned at the time of such election.

Fourth. On account of illegal votes.

(R. S. 1908 and 1914, §7008; R. S. 1901, §6312; R. S. 1897, §6614; R. S. 1894, §6312; R. S. 1881, §4756.)

204. Election, When Not Set Aside.

80. No irregularity or malconduct of any member or officer of a Board of Judges or Canvassers shall set aside

the election of any person, unless such irregularity or malconduct was such as to cause the contestee to be declared elected when he had not received the highest number of legal votes; nor shall any election be set aside for illegal votes, unless the number thereof given to the contestee, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office. (R. S. 1908 and 1914, §7009; R. S. 1901, §6313; R. S. 1897, §6615; R. S. 1894, §6313; R. S. 1881, §4757.)

205. Contest for Local Offices.

81. All contests for county and township offices shall be tried in the proper county; and all contests for district and circuit offices, not otherwise provided for in this Act, shall be tried in the county giving the largest vote for such office at such election; and whenever an elector shall choose to contest such election he shall file with the Auditor of the proper county, within ten days after such person has been declared elected, a written statement specifying the grounds of contest, verified by the affidavit of such elector. (R. S. 1908 and 1914, §7010; R. S. 1901, §6314; R. S. 1897, §6616; R. S. 1894, §6314; R. S. 1881, §4758.)

206. Notice by Auditor to Clerk.

82. When such statement is filed with the Auditor of the proper county he shall immediately give notice, in writing, to the Clerk of the Circuit Court, that the election to such office is contested; and when the office of County Auditor is contested, such statement shall be filled with the Clerk, who shall do the duties otherwise required by this act of the Auditor. The filing of such statement shall be notice to him. (R. S. 1908 and 1914, §7011; R. S. 1901, §6315; R. S. 1897, §6617; R. S. 1894, §6315; R. S. 1881, §4759.)

207. Notice to County Board and Contestee.

83. When such statement is filed with the Auditor he shall issue a notice to the Board of County Commissioners to meet at the court house at a designated time, not less than ten nor more than twenty days thereafter, to try

such contested election, and shall issue a notice to the contestee to appear at the time and place specified in the notice to the Commissioners; which, with a copy of such statement, shall be delivered to the Sheriff of the county, who shall, within five days thereafter, serve the same on the contestee, by delivering to him a copy of such notice and statement or leaving a copy thereof at his last usual place of residence. (R. S. 1908 and 1914, §7012; R. S. 1901, §6316; R. S. 1897, §6618; R. S. 1894, §6316; R. S. 1881, §4760.)

208. Subpoenas—Trial of Contest.

84. The Auditor, at the request of either party, shall issue subpoenas, which shall be served by the Sheriff. Such Board of Commissioners shall try and determine such contest; and shall have power to compel the attendance of witnesses, to swear and examine the same, to punish contempts as other courts, to adjourn or continue the trial from time to time, not exceeding twenty days altogether; to make the necessary orders for the payment of costs, and to coerce the payment of the same, and shall be governed in such trial by the rules of law obtaining in Circuit Courts. And if it be proved that any other person than the contestee has the highest number of legal votes, such Board shall declare such person elected, and certify the same to the proper officer. (R. S. 1908 and 1914, §7013; R. S. 1901, §6317; R. S. 1897, §6619; R. S. 1894, §6317; R. S. 1881, §4761.)

209. Appeals.

85. Appeals may be taken herein, as from other decisions of such Board: Provided, That the same be taken within ten days. (R. S. 1908 and 1914, §7014; R. S. 1901, §6318; R. S. 1897, §6620; R. S. 1894, §6318; R. S. 1881, §4762.)

210. Duty of Court on Appeal.

86. If upon such appeal the Circuit Court confirm such election, a certificate thereof shall issue; if such election be annulled, and no other persons declared elected to the same office, it shall be declared vacant. (R. S. 1908 and 1914, §7015; R. S. 1901, §6319; R. S. 1897, §6621; R. S. 1894, §6319; R. S. 1881, §4763.)

211. Voters Compelled to Testify.

87. Any witness who voted at such election, when called to testify in any such case, shall be required to answer touching his qualifications; and if he was not a qualified elector he shall be required to answer for whom he did vote, and such admission shall not be used against him in any prosecution for illegal voting. (R. S. 1908 and 1914, §7016; R. S. 1901, §6320; R. S. 1897, §6622; R. S. 1894, §6320; R. S. 1881, §4764.)

212. Fees and Costs.

88. The Sheriff, Auditor, Clerk and Justices of the Peace, for services rendered by them in case of contested elections shall receive from the party at whose instance such services are performed, the fees usually allowed for similar services in other cases; which fees shall be taxed as costs against the losing party, and collected as other costs are taxed and collected. (R. S. 1908 and 1914, §7017; R. S. 1901, §6321; R. S. 1897, §6623; R. S. 1894, §6321; R. S. 1881, §4765.)

213. Commissioner to Take Testimony.

89. The Court trying the cause, at the request of the contestor and contestee, in writing, or upon the application of either party, supported by affidavit showing that a saving of expenses to the parties, the convenience of the witnesses, and the ends of justice will be promoted thereby, may appoint a commissioner to take the testimony of witnesses, in writing, at any time before the final hearing and shall provide, in the order of appointment, that each party shall give reasonable notice to the other of the time and place of such taking. Such commissioner shall have power to subpoena and compel the attendance of witnesses residing in the county; and it shall be his duty to take down, in writing, all the testimony offered by the parties, and to note all objections to the testimony; and he shall report the same to the Court trying the cause within the time limited by the order appointing him. (R. S. 1908 and 1914, §7018; R. S. 1901, §6322; R. S. 1897, §6624; R. S. 1894, §6322; R. S. 1881, §4766.)

214. Contest for Municipal Office.

90. All contests for municipal offices shall be tried

before the Circuit Court of the proper county in the manner provided by law for the contest of county and township offices. The Clerk of the Circuit Court shall be the person with whom the notice of the contest shall be filed, and he shall perform all the duties required to be performed by him and the Auditor in other cases, and the contest shall be set down for trial at the next term of such Circuit Court. (R. S. 1908 and 1914, §7019; R. S. 1901, §6323; R. S. 1897, §6625; R. S. 1894, §6323; R. S. 1881, §4767.)

215. Appeal to Supreme Court.

91. In all cases of contested elections where an appeal has been taken from the Board of County Commissioners to the Circuit Court, either party feeling aggrieved by the judgment of said Court may appeal therefrom to the Supreme Court, as in other civil cases. The appeal bond in such cases shall be in a penalty sufficient to secure any damage which may accrue by a stay of proceedings upon the judgment. And whenever, by reason of such appeal, a party may be excluded from the office to which he may be entitled, pending such appeal, the principal and sureties in said bond shall be liable thereon for the amount of the emoluments of the office to the party deprived thereof. (R. S. 1908 and 1914, §7020; R. S. 1901, §6324; R. S. 1897, §6626; R. S. 1894, §6324; R. S. 1881, §4768.)

(See Corrupt Practices Act for sections referring to contest, page 163.)

ARTICLE 6—CORRUPT PRACTICES ACT.

SEC.	SEC.
216. Elections—Corrupt practices—Application of Act.	230. Costs—Witnesses and Document.
217. Elections—Corrupt practices—Terms Defined—Treasurer or Agent.	231. Prosecuting attorney's duties.
218. Political Committee Treasurer—Bond—Penalty.	232. Federal act defining political committee.
219. Soliciting Contributions—Voluntary Contributions.	233. Chairman and Treasurer—Duty of Treasurer.
220. Payment of Election expenses.	234. Disbursements in excess of \$10—Requirements.
221. Legitimate expenses—Penalty.	235. Accounts of contributions.
222. Treasurer or Agent's Report—Penalty.	236. Publicity of campaign contributions.
223. Candidate's itemized statement—Penalty.	237. What public statements must show.
224. False statement—Perjury.	238. Persons expending over \$50 to influence the election of a Congressman must file statements.
225. Statements become public record.	239. "Candidate" defined—Duties of Candidates for Congress.
226. Corrupt practices—Guilt defined—Penalty.	240. Candidates for Congress may pall all necessary personal expenses out of own private funds.
227. Contributions by corporations unlawful—Penalty.	241. Candidates may pay proper legal expenses.
228. Federal laws prohibiting contributions by corporations.	242. Penalties for violation of acts.
229. Contest complaint—Petition—Proceedings.	

(Acts 1911, page 288. Approved March 3, 1911. In force March 3, 1911.)

216. Elections—Corrupt Practices—Application of Act.

1. That the provisions of this act shall apply to the election of all officers for whom ballots shall be cast

pursuant to the provisions of the laws relating to elections, to the election of all officers to be voted for by the General Assembly, by the Common Council of any city or the Board of Trustees of any incorporated town, to the election of County Superintendents, to all caucuses and primary elections preliminary to any such other elections, and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucus and primary elections" shall include: (a) all meetings and elections held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates, and (c) caucuses of members of the General Assembly, of the Common Council of any city, and of the Board of Trustees of any incorporated town. (R. S. 1914, Sec. 7111a.)

217. Elections—Corrupt Practices—Terms Defined—Treasurer or Agent.

Section 2. The term "political committee" as used in this act shall include every committee or combination of two or more persons to aid or promote the success or defeat of any political party or principle in any election, or of any proposition submitted to vote at a public election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success or defeat of any such party, principle or candidate. The term "political agent" shall include all persons appointed by any candidate before any election or primary election to assist him in his candidacy, or to collect, keep, receive or disburse moneys or any other thing of value to aid or promote the success of such candidate. No person shall act as any such treasurer or political agent until he has been appointed in writing, which written appointment shall be signed by the chairman of the political committee or candidate appointing such treasurer or political agent and until such written appointment has been filed with the clerk of the circuit court of the county within which such treasurer or political agent resides except in the case of the treasurer of the state central committee of any party,

when such written appointment shall be filed in the office of the secretary of state, and until such treasurer has given bond as required by section 3 of this act. Every such written appointment shall designate the particular period, election or primary election within which such treasurership or political agency shall continue. Nothing in this act shall prevent a treasurer or the political agent of any candidate from being the treasurer of another political committee or the political agent of any other candidate. Any candidate may, without appointing a political agent, make such disbursements as political agents may make under the provisions of this act; and in such case such candidate shall not be required to file a written appointment, give bond or make a report as a political agent, but shall include in the statement required to be filed by him as a candidate, under the provisions of section eight (8) of this act, a full, true and detailed account and statement of the matters and facts required to be reported by political agents under the provisions of section seven (7) of this act. No person shall be appointed or act as treasurer or political agent in any election or primary election who is not a citizen and resident of the State of Indiana, and no person shall be appointed or act as any such treasurer or political agent who is the chairman of any political committee. Any political committee shall have the power and right to remove, without assigning any cause therefor, any person appointed by such committee as treasurer and to appoint the successor of such removed treasurer. Upon such removal said treasurer shall immediately account for and turn over to his successor in office the moneys then in his possession as such treasurer and shall within twenty days after such removal file a full, true and detailed account and statement of his receipts and expenditures with the clerk of the circuit court in the county in which he resides in accordance with the provisions of section 7 of this act. Any candidate shall have the power and right to remove, without assigning any cause therefor, any person appointed by him as a political agent and to appoint the successor of such removed political agent. Upon such removal, said political agent shall immediately account for and turn over to the candidate appointing him the moneys then in his possession as such political agent and shall within twenty days after such removal file a full,

true and detailed account and statement of his receipts and expenditures with the clerk of the circuit court in the county in which he resides in accordance with the provisions of section 7 of this act. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111b.)

218. Political Committee Treasurer—Bond—Penalty.

Section 3. Every political committee shall appoint and constantly maintain a treasurer to collect, receive, keep and disburse all sums of money or other valuable things which may be collected, received or disbursed by such committee or any of its members for any purposes mentioned in section 1 of this act or for which such committee exists or acts, and unless such treasurer is first so appointed and maintained it shall be unlawful and a violation of this act for a political committee or any of its members to collect, receive, keep or disburse money or other valuable things for any such purposes. The treasurer appointed under this act by the state, district, county or city central committee of any political party, before proceeding to act as such treasurer, shall execute a bond payable to the State of Indiana in such penalty as the committee by whom he shall be appointed shall prescribe, except that in no event shall the minimum penalty of such bond for the treasurer of a state, county or city central committee be less than five hundred dollars, and with surety or sureties to the approval of such committee, which bond shall be conditioned for the faithful performance by such treasurer of the duties of his office without loss or detriment to any person interested in the performance of such duties and the payment by such treasurer of all sums of money in his hands to his successor as such treasurer upon which bond an action may be maintained in the name of the State of Indiana for the use of any persons interested in the faithful performance of his said duties as such treasurer and injured by a breach of the condition of said bond, or in the event of the failure of such treasurer to account to his successor in office the action may be maintained in the name of the State of Indiana for the use of such successor in office. Said bond shall be filed in the office of clerk of the circuit court in the county where such treasurer resides at the time of his appointment except in the case of

the treasurer of the state central committee, whose bond shall be filed in the office of the secretary of state of the State of Indiana. The premium required to be paid for such bond, if any, may be paid by such treasurer out of the funds that shall come into his hand as such treasurer and shall be allowed to him as a credit in the settlement of his accounts. All moneys or other valuable things collected, received or disbursed by any political committee or by any member or members thereof for any political purpose shall be paid over to and made to pass through the hands of the treasurer of such committee and shall be disbursed by him and not otherwise: *Provided, however,* That such disbursement may be made by a voucher drawn by the chairman of such political committee on the treasurer and presented to such treasurer for payment, which voucher shall show the specific purpose for which said money is being expended. And it shall be unlawful and a violation of this act for any political committee or for any member or members thereof to disburse or expend money or any other valuable thing for any political purpose until the money or other valuable thing so disbursed or expended shall have passed through the hands of the treasurer of said committee, and any person other than a member of such political committee or other than the political agent hereinbefore defined, who shall engage in receiving or disbursing money for any political purpose shall be deemed a treasurer of a political committee within the meaning of this act, and shall be subject to all the requirements, obligations and penalties hereby provided for in the case of such treasurer: *Provided, however,* That the treasurer appointed under this act by the state, district, county or city central committee of any political party may appoint one subtreasurer for each voting precinct in said state, county or city, as the place may be or may appoint a subtreasurer for several voting precincts within his jurisdiction, which subtreasurer is authorized to collect money for the treasurer by whom he is appointed and to turn said money over to such treasurer without diminution or to expend such money as may be placed in his hands by the treasurer appointing him for such purpose as are lawful under the provisions of this act and for no other purpose, or such subtreasurer may be appointed both for the purpose of collecting and expending money; it shall be

the duty of every subtreasurer within twenty days after every election or primary election to make a report in writing under oath to the clerk of the circuit court of the county in which such subtreasurer resides, stating in detail the amount of money collected by him and from whom and when collected, or the amount of money placed in his hands by said treasurer and for what purpose the said money was expended by him and to whom paid, or both if such subtreasurer has both collected and disbursed money or other things of value, and each subtreasurer shall file vouchers for all money expended by him, which vouchers shall state the purpose for which said sums are expended; but in no event shall a subtreasurer who is appointed to collect money, expend or disburse any money so collected by him, but he shall in every case deliver the same and every part thereof without diminution to the treasurer appointing him, and any money which such subtreasurer expends must be money placed in his hands by the treasurer appointing him. Such subtreasurers shall not be required to give bond, but shall, before serving as such, receive from the treasurer appointing them an appointment in writing stating for what purpose such subtreasurer is appointed, the name of such subtreasurer, the territory in which he shall act, and the time for which he is appointed. Every treasurer appointing a subtreasurer shall be liable on his official bond for any dereliction in duty or misappropriation or unauthorized expenditure of funds by any subtreasurer so appointed by him. Any member of a political committee which has appointed and maintains a treasurer in accordance with the provisions of this act may solicit or receive contributions for political purposes provided that the same are immediately turned over without diminution to such treasurer of said committee and by such treasurer disbursed and accounted for as provided by this act, and when money is so received the treasurer in his account and statement in addition to the requirements of section seven (7) of this act, shall show through what member of such committee said sum or sums were received. Any person or persons violating or failing to comply with any of the provisions of this section or the preceding section of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than three hundred dollars, nor more than one thousand dollars, or imprisoned

in the county jail for not more than one year, or both fined and imprisoned in the discretion of the court or jury trying said cause. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111c.)

219. Soliciting Contributions—Voluntary Contributions.

Section 4. It shall be unlawful for any political committee or officer thereof to solicit any contribution, payment or favor from any candidates for any office or from any person desiring to become a candidate: *Provided, however,* That any such political committee may assess against and collect from the candidate before any primary election, convention or mass convention not held pursuant to the laws of this state, the necessary costs and expenses of holding such primary, convention or mass convention. And it shall be unlawful for any person, firm or corporation to solicit from any political committee or member thereof or any treasurer, subtreasurer, or political agent or candidate any contribution or donation, or to solicit advertising or money or things of value for advertising purposes from any such political committee or member thereof, treasurer, subtreasurer, political agent or candidate. Any person nominated as a candidate for public office or a candidate for such nomination, except as hereinafter provided, may make a voluntary payment of money to any treasurer or political agent, for any of the purposes permitted by this act: *Provided, however,* That no person, other than such candidate shall to aid or promote the success or defeat of any political party or principle or of any candidate for public office, or of any candidate for nomination as such, within six months prior to any such election make a contribution of money or property or incur any liability or promise any valuable thing to any person other than to a treasurer, subtreasurer or political agent. No contributions, payments or favors of any kind shall be made, extended by or solicited from any private corporation to promote the success or defeat of any candidate for public office or of any political party or principle or for any other political purpose whatever. Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the result of any election. It shall be

lawful for the state, district, county, township, or city central committee of any party to receive contributions from the national committee or the national congressional committee of any such political party to be expended for purposes authorized by this act. It shall be lawful for the district committee of any political party to receive contributions from the state central committee of such party, for the county committee of any party to receive contributions from either the district or state central committee of such party, for the township committee to receive contributions from either the state, district or county committee of such party, and for the city central committee of any political party to receive contributions from the state, district, township or county central committee of such party, all of said contributions to be expended for the purposes authorized by this act. It shall be lawful for the national committee of any political party to receive contributions through a treasurer or agents appointed by such national committee to serve within the State of Indiana and such treasurer or agents so appointed shall not be required to file any bond; but before receiving, soliciting or collecting any money or things of value within this state, such treasurer or agent shall file with the secretary of state of the State of Indiana an appointment in writing signed by the chairman of said national committee, stating the name of such treasurer or agent, the territory within which he shall act and the time for which he is appointed: Provided, That such treasurer or agent shall not receive any contribution or payment of any kind within this State for said national committee from any person or corporation who is prohibited by this act from making a voluntary contribution to a political committee within this state and such treasurer or political agent shall not solicit money or other valuable thing from any person or corporation within this state where by this law a political committee, treasurer or political agent is prohibited from soliciting from such person or corporation. No person shall be appointed or act as such agent or treasurer of said national committee who is not a citizen and resident of the State of Indiana, and it shall be lawful for the treasurer of any political committee or a political agent to act as such agent or treasurer of said national committee provided that funds received by said national committee are separately kept

and accounted for. Within twenty days after the election or primary election for which he is appointed, every such agent or treasurer of said national committee collecting or receiving funds within this state, shall file a full, true and detailed account, which shall be subscribed and sworn to by him before some officer authorized to administer oaths, in the office of the secretary of state of the State of Indiana, which statement shall include a detailed list of all sums of money received by or promised to such agent or treasurer the name of the person from whom received or by whom promised and the amount and date of each such promise or contribution. Such agent or treasurer of said national committee shall not expend any money for political purposes within this state, except the actual expenses of collecting said money, but if any of the money so collected is disbursed within this state for political purposes, it shall be disbursed through the treasurer of a state, district, county or city central committee, who has been appointed and filed a bond as required by this act; and all sums so disbursed shall be accounted for in the account and statement required to be filed by section seven (7) of this act. Any person violating or failing to comply with any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than three hundred dollars, nor more than one thousand dollars, or imprisoned in the county jail for not more than one year, or both fined and imprisoned in the discretion of the court or jury trying said cause. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111d.)

220. Payment of Election Expenses.

Section 5. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephoning, stationery, letters, circular letters, printing, expressage and traveling; but the provisions of this section shall not apply to non-partisan election and anti-election expenses paid out of the public moneys of the state, or of any town, city, county or other municipality. The payments, expenditures, promises and liabilities, which any candidate for nomination or elec-

tion, or both may make or incur directly or indirectly under this or the preceding section, shall not exceed in the whole twenty-five dollars for each thousand (or the major portion thereof) up to fifty thousand, ten dollars for each thousand (or the major portion thereof) in excess of fifty thousand and up to one hundred thousand, and five dollars for each thousand (or the major portion thereof) in excess of one hundred thousand of the voters qualified to vote for the office in question at the next preceding election therefor, except that such candidate may expend twenty-five dollars for said purposes, all to be paid, handled and disbursed by a treasurer or political agent and not otherwise; and any payment, contribution, expenditure of, or promise or liability to pay, contribute or expend any money, or valuable thing in excess of said sum shall be unlawful: *Provided, however,* That a candidate may pay personally, in addition to said sum or valuable thing or things amounting thereto, his own expenses for postage, letters, circular letters, telegrams, telephoning, stationery, printing, advertising, publishing, expressage, traveling and board and the cost of any primary convention or mass convention, not held pursuant to the law of this state, which may be assessed against such candidate by the political committee under whose direction such primary, convention or mass convention is held: *and, Provided further.* That nothing in this act shall be taken or construed to prohibit the chairman of the state central committee of the state, or the chairman of any county, city or town central committee of any political party from soliciting contributions for campaign purposes, which contributions, however, shall all be expended in accordance with and subject to the provisions and restrictions of this act: *and, Provided, further,* That such contributions shall not be solicited from any candidate for office, in the state of Indiana or any private corporation. (As amended, Acts 1913 p. 489. R. S. 1914, Sec. 7111e.)

221. Legitimate Expenses—Penalty.

Section 6. It shall be lawful for any treasurer or political agent in connection with any election or primary election, and in making provisions therefor to pay the following expenses:

(a) The necessary cost of hiring halls and music for conventions, public meetings and public primaries and for advertising the same, and decorating said halls;

(b) Of printing and circulating political articles, circulars, circular letters, plate and electrotype matter, candidates' cards, pamphlets and books, including the payment of subscriptions to newspapers or periodicals containing political articles to be circulated among voters;

(c) Of printing and distributing sample or specimen ballots and instructions to voters;

(d) Of renting rooms and headquarters to be used by political committees, agents, treasurers or subtreasurers and of paying for all clerical assistance and labor employed therein;

(e) Of compensating clerks, stenographers, typewriters, and other assistants employed in the committee rooms, or on the business of the committee outside of said committee rooms, and also of challengers, watchers and messengers employed in the registration rooms, in the voting rooms and at the polls, and the cost and expenses of any primary, convention or mass convention not held pursuant to the laws of the State of Indiana.

(f) The traveling and other legitimate expenses of political agents, committees and public speakers, including reasonable compensation for the chairman and secretary of the state, district, county or city central committees, but no compensation shall be paid to public speakers, political agents, treasurers, subtreasurers, or members of a political committee other than the chairman and secretary for their services; providing that the costs of treasurers' bonds may be paid.

(g) Of making poll books, copies of registration lists and compiling information or data with respect to the qualifications of voters, or their political affiliations, or any other information of a political character.

(h) Of necessary postage, telegrams, telephoning, printing expenses and conveyance charge for carrying sick and infirm persons to and from the polls or to and from the places of registration;

(i) The necessary cost of equipping, furnishing and maintaining committee rooms and headquarters and places of meeting for political committees, agents and treasurers, both during and after political campaigns, if it shall be desired to maintain permanent headquarters.

(j) The cost and expenses of messengers sent by the direction of the chairman of any state, district, county, township or city committee of any political party in connection with party matters or interest, and also the cost and expenses of any person or persons summoned by or at the instance of the chairman of the state central committee, or of the county central committee, or of the district committee, or of the township committee, or of the city central committee of any political party to the committee headquarters or offices in connection with party matters or interests, and also for the accommodation and entertainment of all such persons;

(k) All expenses incurred by or under the authority of the chairman of the state, district, county, township or city central committee of any political party in providing accommodation or entertainment for members of said respective committees or for the transportation of such members, when assembling for any meeting of said respective committees or visiting the headquarters of said respective committees in connection with party matters or interests.

(1) The cost and expenses of political parades, meetings and demonstrations, including the equipment and compensation of a political band or drum corps, but not including the cost or expense of any meat, drink or entertainment of any person except as hereinbefore specified.

(m) The cost of political buttons, lithographs, banners and other political advertising matter.

No treasurer or political agent shall incur any expense or liability or make any payment for any purpose not authorized by this section, and every liability incurred or payment made shall be made at a rate which is reasonably and fairly commensurate with the service rendered. It shall not be lawful for any political committee, treasurer or political agent to expend any money for the printing or publication of any political matters whatsoever, which shall not purport on its face to be printed or published by the authority of said treasurer or political agent, and which, if pub-

lished in any newspaper or other periodical, shall not be marked as an advertisement: *Provided, however,* That when newspapers or periodicals containing political articles are subscribed and paid for by such treasurer or political agent and sent to voters, it shall not be necessary to mark the same or any part thereof as an advertisement or to stamp or place on such newspaper a statement that they are published or circulated by the authority of said treasurer or political agent, if the only payment made to said newspaper or newspapers is for the papers actually delivered and at not more than the usual rate of subscription. Nothing in this act shall be construed to prevent any newspaper from publishing any political information as news although such information is furnished by a political committee or some officer thereof either in manuscript form or in plates or electrotypes, and in such case it shall not be necessary to mark such publication as an advertisement, provided, such newspaper or the owner thereof receives no compensation or reward, directly or indirectly, for such publication, and the same is published in good faith as a matter of news. Any person who is entitled to contribute money or things of value to a political committee for political purposes, may contribute to such committee, books, circulars or pamphlets containing political matter and such committee may distribute the same to voters without placing a statement thereon that such books, pamphlets or circulars are circulated by such committee, but this provision shall not relieve the committee from placing a statement on printed matter which it prints or publishes that the same is circulated by its authority. And every treasurer, subtreasurer and political agent who receives any such book, pamphlet or circular shall include in the report and statement required to be filed by him a list thereof with the name and residence of the person or persons donating the same. The treasurer appointed and acting for or in connection with the state, district, county or city central committee of any political party shall not expend or disburse any money or other valuable thing or incur any liability whatsoever except by the authority and subject to the direction of said respective committees for or in connection with which said treasurer may be appointed or acting. Every person expending money in violation of this section or in violation of section 4 or section 5 of this

act and every person violating or failing to comply with any of the provisions of this section or with any of the provisions of section 4 or section 5 of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than three hundred nor more than one thousand dollars or imprisonment for not more than one year in the county jail, or both fined and imprisoned in the discretion of the court or jury trying said cause. (As amended, Acts 1913 p. 489. R. S. 1914, Sec. 7111f.)

222. Treasurer or Agent's Report—Penalty.

7. Within twenty days after every election or primary election, every treasurer and every political agent shall file a full, true and detailed account and statement, subscribed and sworn to by him, before an officer authorized to administer oaths in the office of the Clerk of the Circuit Court of the county in which said treasurer or political agent resides, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received, or by whom it was promised, the amount of every expenditure made or promised, or valuable thing given or promised, or liability of any sort incurred, the name of the person to whom such expenditure, gift or promise thereof was made, or to whom such liability was incurred, and shall clearly state the purpose for which such money or property was so expended, given or promised, or for which such liability was incurred, separating expenditures, gifts, and liabilities for elections and primary elections. Such statement shall also set forth in detail all unpaid debts and obligations, if any, of such treasurer or political agent, with the nature and amount of each, for what purpose incurred and to whom owing, and if there are no unpaid debts or obligations of such treasurer or political agent, such statement shall state such fact. Every treasurer and every political agent and every person who shall at any time act as treasurer or political agent, shall keep detailed, full and accurate accounts in a proper book or books called "account books," to be provided and preserved by him, of all money or valuable things received by or promised to, and of all expenditures, disbursements, and promises of payment or disbursement of money or valuable things made by any political committee, or any of its

officers or members, or by any person acting under its authority, or on its behalf, or by such treasurer or political agent, and setting forth in such statement and accounts the sum or valuable things so received, or disbursed, or promised, as the case may be, and the date when, the person from whom received or promised, or to whom paid or promised, as the case may be, and the object and purpose for which such sum, or valuable thing, was received or disbursed, or promised, as the case may be. Every treasurer and every political agent, as defined by this act, who shall fail or refuse to make out, verify and file with the Clerk of the Circuit Court the statement required by this section of this act, or who shall fail to provide, keep and preserve the book or books of account and the entries and statements therein as aforesaid, or any of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars nor more than one thousand dollars, to which imprisonment in the county jail may be added not to exceed one year. (R. S. 1914, Sec. 7111g.)

223. Candidate's Itemized Statement—Penalty.

Section 8. Every candidate for public office, including candidates for the office of senator of the United States within thirty days after the election or primary election held to nominate for or fill such office or place shall make out and file with the clerk of the circuit court for the county in which such candidate resides, a full, true and itemized statement in writing, which statement shall be subscribed and sworn to by such candidates, before an officer authorized to administer oaths setting forth in detail all moneys or other valuable things contributed, expended or promised by him to aid or promote his candidacy, or in any way in connection with his nomination or election, or both as the case may be, or for other political purposes in connection with the election of any other person at said election, and all existing unfulfilled promises or liabilities in that connection remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises or liabilities were made or incurred before, during or after such election, and showing the dates when, the person to whom, and the purpose for which each and all of said sums or valu-

able things were paid, expended or promised or said liabilities incurred. Such statement shall also set forth that the same is full, true and correct. No person shall be deemed elected to any elective office, under the laws of this state, or enter upon the duties thereof, or receive any salary or emoluments therefrom, until he shall have filed the statement provided for in this section of this act; and no officer authorized by the laws of this state to issue commissions or certificates of election shall issue a commission or certificate of election to any person claiming to be elected to any office, until such statement as aforesaid shall have been so made, verified and filed by such person with such clerk. Upon the filing of such statement, the clerk shall issue to the candidate a certificate showing the filing of such statement, and the date of such filing, which certificates shall be presented by the candidate to the officer authorized to issue his commission and such certificate shall be the only evidence of the filing of such statement which may be required by the officer authorized to issue such commission. Any person violating or failing to comply with any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than three hundred dollars nor more than two thousand dollars, or imprisoned for not more than one year, or both fined and imprisoned in the discretion of the court or jury trying said cause. Ten days after the period above fixed for the filing of said original statement shall have expired, the officer with whom the same is, by this section, required to be filed, shall notify the proper prosecuting officer of any failure to file such statement on the part of any candidate, and within fifteen days thereafter such prosecuting officer shall proceed to prosecute for such offense. (Acts 1913, p. 489. R. S. 1914, Sec. 7111h.)

224. False Statement—Perjury.

9. Any wilfully false statement of entry made by any candidate for any office, treasurer, political agent or any person acting as treasurer or political agent, or by any member or officer of any political committee, in any statement or account under oath required by this act, shall constitute the crime of perjury, and be punished as such according to the laws of this State. (R. S. 1914, Sec. 7111i.)

225. Statements Become Public Records.

10. Every officer with whom a statement or accounts or duplicates thereof are required by any section of this act, to be filed, shall receive and file and preserve such statement or accounts or duplicate thereof, in his office and shall keep the same as part of the records thereof for at least three years after they are filed. And all such statements and accounts shall, during the hours for which the office in which they may be filed is open, be subject and open to the inspection of any citizen of this State, and copies of such statement or accounts, certified by the officer in whose office they may be so kept, under the seal of his office, shall be evidence in all the courts to the same extent as the original thereof would be if produced and proved. (R. S. 1914, Sec. 7111j.)

226. Corrupt Practices—Guilt Defined—Penalty.

Section 11. The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of this act: Every person who shall, directly or indirectly, by himself or another, give, or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emoluments, or any valuable thing whatever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election or political convention or session of the general assembly of the State of Indiana, in either house thereof. Every person who shall, directly or indirectly receive, accept, request or solicit from any person, candidate, committee, association, organization, or corporation, any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote, or refrain from voting, for or against any person, or for or against any measure or proposition at any election or primary election or political convention. Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote, or refrain from voting for or against any person, or for or against any measure at any such election, caucus

or primary election or political convention. Every person who shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing, to defray or towards defraying the costs or expenses of any campaign or election, to any persons, committee, company, club, organization or association, other than a treasurer or political agent; but this sub-section or paragraph shall not apply to dues, regularly paid for membership in any incorporated political club if all money expended by such club for or in connection with the costs of expenses of any campaign or election shall be paid out by it only through a treasurer or political agent as provided in this act, or to any expenses for postage, telegrams, telephoning, stationery, printing, expressage or traveling, and board incurred by any candidate for office or for nomination thereto, so far as they are permitted by this act. Every person who shall, directly or indirectly, by himself or through another person, make a payment, or promise of payment, to a treasurer or political agent in any other name than his own, and every treasurer or political agent who shall, knowingly, receive a payment, or promise of payment, and enter the same or cause the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made. Every person who being an employer, pays his employes the salary or wages due in "pay envelopes" upon which there is printed or in which there is enclosed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety [ninety] days of an election or primary election puts, or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place, or establishment, will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to inflame the political opinions or actions of his employes. Every person who, before, during or after an election or primary election by himself, or by any other person, either directly or indirectly, gives or provides, or pays wholly or in part, the expenses of giving or provid-

ing any meat, drink, entertainment or provisions to or for any person for the purpose of influencing that person, or any other person, to give or refrain from giving his vote at the election or primary election or to influence his vote in any other way therein, or on account of his having voted, or refrained from voting, or being about to vote or refrain from voting; and every elector who accepts the same, or any of the same, for any of the purposes aforesaid. Every person who, at any election held pursuant to the laws of this state, applies for a ballot paper in any election room or polling place in the name of any other person than himself whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any election, applies for a ballot paper at the same election in his own name, or any other name, or who aids, abets, counsels, or procures the commission of any such act or acts. Every person who shall falsely compose, dictate, print, write, or transmit by any means whatever to any publisher of any newspaper, book or serial, any matter, the publication of which in such newspaper, book or serial, would expose any person to hatred, contempt, ridicule or obliquy, or which would cause or tend to cause any person to be shunned or avoided, or which would have a tendency to injure any person in his business, for the purpose of intimidating, influencing, inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. Every proprietor or editor of a book, newspaper or serial, and every partner, or member of a partnership, or manager of any incorporated association by which a book, newspaper, or serial is issued or published, or circulated, who shall falsely publish, or cause to be published any writing, typewriting, printing, picture, effigy, symbol, sign, cartoon, or which exposes any person to hatred, contempt, ridicule or obliquy, or which causes or tends to cause any person to be shunned or avoided, or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing, or procuring any person to vote or refrain from voting for or against any person, or for or

or primary election or political convention. Every person who shall, directly or indirectly, pay, give, contribute or promise any money or other valuable thing, to defray or towards defraying the costs or expenses of any campaign or election, to any persons, committee, company, club, organization or association, other than a treasurer or political agent; but this sub-section or paragraph shall not apply to dues, regularly paid for membership in any incorporated political club if all money expended by such club for or in connection with the costs of expenses of any campaign or election shall be paid out by it only through a treasurer or political agent as provided in this act, or to any expenses for postage, telegrams, telephoning, stationery, printing, expressage or traveling, and board incurred by any candidate for office or for nomination thereto, so far as they are permitted by this act. Every person who shall, directly or indirectly, by himself or through another person, make a payment, or promise of payment, to a treasurer or political agent in any other name than his own, and every treasurer or political agent who shall, knowingly, receive a payment, or promise of payment, and enter the same or cause the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made. Every person who being an employer, pays his employes the salary or wages due in "pay envelopes" upon which there is printed or in which there is enclosed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninty [ninety] days of an election or primary election puts, or otherwise exhibits in the establishment or place where his employes are engaged in labor, any handbill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place, or establishment, will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to inflame the political opinions or actions of his employes. Every person who, before, during or after an election or primary election by himself, or by any other person, either directly or indirectly, gives or provides, or pays wholly or in part, the expenses of giving or provid-

ing any meat, drink, entertainment or provisions to or for any person for the purpose of influencing that person, or any other person, to give or refrain from giving his vote at the election or primary election or to influence his vote in any other way therein, or on account of his having voted, or refrained from voting, or being about to vote or refrain from voting; and every elector who accepts the same, or any of the same, for any of the purposes aforesaid. Every person who, at any election held pursuant to the laws of this state, applies for a ballot paper in any election room or polling place in the name of any other person than himself whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any election, applies for a ballot paper at the same election in his own name, or any other name, or who aids, abets, counsels, or procures the commission of any such act or acts. Every person who shall falsely compose, dictate, print, write, or transmit by any means whatever to any publisher of any newspaper, book or serial, any matter, the publication of which in such newspaper, book or serial, would expose any person to hatred, contempt, ridicule or obliquy, or which would cause or tend to cause any person to be shunned or avoided, or which would have a tendency to injure any person in his business, for the purpose of intimidating, influencing, inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure or proposition at any election or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. Every proprietor or editor of a book, newspaper or serial, and every partner, or member of a partnership, or manager of any incorporated association by which a book, newspaper, or serial is issued or published, or circulated, who shall falsely publish, or cause to be published any writing, typewriting, printing, picture, effigy, symbol, sign, cartoon, or which exposes any person to hatred, contempt, ridicule or obliquy, or which causes or tends to cause any person to be shunned or avoided, or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing, or procuring any person to vote or refrain from voting for or against any person, or for or

against any measure or proposition at any election, or primary election, or political convention or session of the general assembly of the State of Indiana, or either house thereof. Every person who shall be guilty of any corrupt practice as aforesaid, shall be fined not less than \$300.00 nor more than \$1,000.00 or be imprisoned for not more than one year, or both, and shall be ineligible to any public office, or public employment, for the period of four years from and after the time of the commission of such offense. (As amended, Acts 1913, p. 489. R. S. 1914, Sec. 7111k.)

227. Contributions by Corporations Unlawful—Penalty.

12. It shall be unlawful and shall be deemed a corrupt practice for any corporation incorporated under the laws of the State of Indiana, or of any State or Territory of the United States, of the District of Columbia, or of the United States, or of any other country, directly or indirectly, by itself, or through any officer, agent or employe, representative or other person whatsoever, to give, contribute, furnish, lend or promise any money, property, transportation, means or aid to any political party, or any candidate for public office or for nomination thereto, or to any public organization, or to any political committee, or to any treasurer or political agent, as herein defined, either directly or indirectly, to aid, promote or influence the success or defeat of any political party or principle, or any measure or proposition submitted to a vote at a public election or primary election in this State, or to aid, promote or influence in any manner the election or defeat of a candidate therein, or to be used, applied or expended in any way whatever for political purposes. The president, the several directors and every other officer of any corporation which shall violate any of the provisions of this section, and the president or director, or other officer, or agent of any corporation, who shall personally violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five thousand dollars for each offense, and imprisoned for not more than one year in jail. R. S. 1914, Sec. 7111l.)

An Act To prohibit corporations from making money contributions in connection with political elections.

228.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding five thousand dollars, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding one thousand and not less than two hundred and fifty dollars, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

(Approved, January 26, 1907. 35 Stat. L. 1103. Fed. Stat. Anno. Supp. 1909, p. 427.)

229. Contest Complaint—Petition—Proceedings.

13. At any time within thirty days after any election or primary election, held under the laws of this State, any defeated candidate at such election, or any ten duly qualified voters at such election may present to the Circuit Court of the county in which the defeated candidate resides or to the Circuit Court of any county in the district at which he was voted for by the qualified voters of the district, a petition setting forth under oath that corrupt practices, contrary to the provisions of any section of this act, were committed at or preliminary to such election, within the county, district or city aforesaid, naming the successful candidate or candidates as defendant or defendants and praying that the facts alleged may be inquired into. If the court, upon the affidavit or affidavits filed with such petition, or upon and after such preliminary hearing, as it may see fit to

institute, including such notice and representation to the party or parties named as the defendant or defendants in said petition, as the ends of justice may require, shall be satisfied that the purpose of this act and the interests of public justice require further proceedings upon such petition, and against the party or parties named as defendant or defendants therein, it shall order such reasonable notice of such petition or of such further proceedings to be given the defendant or defendants, and require him or them to answer, show cause or otherwise defend as the court may deem just and reasonable, upon the petitioners giving security for costs in such sum of money as the court shall deem reasonable. Such petitions shall be tried without a jury, unless any of the parties thereto shall elect to have the same tried by a jury. The case shall, if possible, be tried in and during the term in which such petition may be filed, and when a jury trial is demanded by any of the parties to such petition, the jury for said term shall try it, and if the jury for said term shall have been dismissed, the court shall recall said jury for the purpose of trying said case. If in any case it shall not be possible to try such case during the term in which such petition shall have been filed, it shall be tried during the next succeeding term of the court. In every case in which a jury trial shall be demanded, the judge shall frame and submit to the jury for its decision and verdict all appropriate and necessary issues of fact presented by the pleadings in such case or by the scope of the inquiry or inquiries presented by said case. The court shall bring such cause to hearing, determination and judgment as speedily as a just regard for the rights of the parties concerned may permit; and shall expeditiously inquire into, or, when a jury is demanded, cause the jury to inquire into all of the facts and circumstances and into such violations or of failure to comply with the provisions of this act, as may be alleged in any such petition, or into such other facts and circumstances relative to any election or to any contributions, expenditures or liability made, or any corrupt practice committed in connection therewith, which at any time the court holding such inquest or presiding in said cause shall deem necessary to secure compliance with the provisions of this act, or to punish for a violation thereof. All persons whom the court shall deem proper or necessary to

join or bring in as parties to any such proceeding in order to make its order, judgments or writs effective, may be joined as parties in such manner and upon such notice as the court may direct. In case such petition relates to the election of electors of President and Vice-President of the United States, a representative in Congress, or any State officer or a Senator or Representative of the General Assembly of the State of Indiana, or a judge of the Circuit Court, Superior, Criminal or Probate Court, or a Prosecuting Attorney, the trial judge shall have no power to declare any such election to be void, but shall file his finding, or, in a case where a jury shall have been demanded, the finding or verdict of such jury, as to whether or not the successful candidate, or any political committee or treasurer, or sub-treasurer, or political agent acting for or on behalf of such candidate, was so guilty of corrupt practices, with the Secretary of State, together with the transcript of the evidence and the Secretary of State shall thereupon submit the same to the Governor of Indiana, when the election is for the President or Vice-President of the United States; or when the election is for a representative in Congress, shall submit the same, certified under the seal of the State to the Speaker of the House of Representatives; or when the election is for a member of the State Senate, shall submit the same to the President of the Senate of the State of Indiana; or when the election is for any State officer or a judge of the Circuit, Superior, Criminal or Probate Court, or a Prosecuting Attorney, or Representative to the House of Representatives of the General Assembly of Indiana. In case such petition relates to any other office than those above referred to, the trial judge shall file with the Governor his decision or the finding or verdict of the jury in cases where there has been a jury trial, as to whether or not the successful candidate, or a political committee or treasurer or political agent, acting for or in his behalf, was guilty of corrupt practices, and said trial judge shall also file with the Governor his decision, and as to whether or not, upon the findings in such case, such election was void as hereinafter provided. In case the decision or finding so to be filed with the Governor shall be that any successful candidate so petitioned against, was in person or in the person of a treasurer or sub-treasurer or his political agent, or through any

political committee acting for or in his behalf so guilty of corrupt practices, such election shall be void, except as hereinafter provided, and in case of such void election, the Governor shall, within five days after the receipt of such decision, issue his proclamation declaring such election void, and the vacancy in the office to have been filled by said election shall be filled in the same manner as would be required by law in case said vacancy had arisen from the death of the successful candidate after his election. If any candidate shall have been so found or decided to have been so guilty in person of corrupt practices, he shall be ineligible to election or appointment to any public office or employment for a period of four years from the date of said election, but the mere finding or decision that his political agent was so guilty shall not render him ineligible to office; but where the judge shall decide or certify upon his finding in any case that any such successful candidate was guilty of corrupt practices only in the person of his agent, and that (a) no corrupt practice was committed by the candidate personally and the offense was committed contrary to his order and without his sanction or connivance; (b) the offense was of a trivial, unimportant and limited character; (c) in all other respects such election was free from corrupt practices on the part of such candidate and of his political agent, then the election of such candidate shall not be void, nor shall the candidate be subject to any ineligibility therefor. An appeal to the Supreme Court of the State of Indiana may be taken on questions of law from any decision relative to ineligibility to public office or employment of any such candidate. (R. S. 1914, Sec. 711m.)

230. Costs—Witnesses and Documents.

14. The courts in which such petitions shall be filed shall have authority to tax the costs as in equity cases, and also to subpoena witnesses and require them to testify as in other civil cases, and to compel by subpoena duces tecum the production for examination of any books or papers of any kind, or of any other thing which may be required or desirable in the conduct of such inquiry. In any proceeding held under the provisions of this or the preceding section, no witnesses shall be excused from answering any question or producing any book, paper or other

thing on the ground or claim that his answer or the thing produced, or to be produced by him, may tend to incriminate or degrade him, or render him liable to a penalty, but his answer, or the thing produced by him shall not be used in any proceeding against him, except in a prosecution for perjury in so testifying. (R. S. 1914, Sec. 7111n.)

231. Prosecuting Attorney—Duties.

15. It shall be the duty of the Prosecuting Attorney of each county of this State to prosecute, by the regular course of criminal procedure, any person whom he may believe to be guilty of having violated any of the provisions of this act within the county or district for which said Prosecuting Attorney may be acting as such, or any resident of such county who may have violated any provisions of this act in such county or in any other part of the State. And in any criminal prosecution, under this act, or for violation of any of the provisions thereof, no witness, except the person who is accused and on trial, shall be excused from answering any question or producing any book, paper or other thing on the ground or claim that his answer, or the thing produced or to be produced by him, may tend to incriminate or degrade him, or render him liable to a penalty, but his answer or the thing produced by him shall not be used in any proceeding against him, except in a prosecution for perjury in so testifying. (R. S. 1914, Sec. 7111o.)

[PUBLIC—No. 274.]

[H. R. 2250.]

An Act Providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected.

232.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "political committee" under the provisions of this Act shall include the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the re-

sult of an election at which Representatives in Congress are to be elected. (36 Stat. L. 822, Federal Statutes Annotated Supplement 1912, p. 69.)

233.

SEC. 2. That every political committee as defined in this Act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, and promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen. (36 Stat. L. 823, Federal Statutes Annotated Supp. 1912, p. 69.)

234.

SEC. 3. That every payment or disbursement made by a political committee exceeding ten dollars in amount be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for fifteen months after the election to which it relates. (36 Stat. L. 823, Fed. Stat. Annotated Supplement 1912, p. 70.)

235.

SEC. 4. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent shall, on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer

of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose. (36 Stat. L. 823, Fed. Stat. Anno. Supp. 1912, p. 70.)

236.

“SEC. 5. That the treasurer of every such political committee shall, not more than fifteen days and not less than ten days next before an election at which Representatives in Congress are to be elected in two or more States, file in the office of the Clerk of the House of Representatives at Washington, District of Columbia, with said Clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this Act, except that the supplemental statement herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

“It shall also be the duty of said treasurer to file a similar statement with said Clerk within thirty days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this Act. The statements so filed with the Clerk of the House shall be preserved by him for fifteen months and shall be a part of the public records of his office and shall be open to public inspection. (As amended August 19, 1911. 37 Stat. L. 25, Fed. Stat. Anno. Supp. 1912, p. 71.)

237.

“SEC. 6. That the statements required by the preceding section of this Act shall state:

“First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof either in one or more items, money or its equivalent of the aggregate amount or

value or one hundred dollars or more, and the amount or sum contributed, promised, loaned, or advanced by each.

"Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than one hundred dollars.

"Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

"Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of ten dollars or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

"Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than ten dollars.

"Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof." (As amended August 19, 1911. 37 Stat. L. 25, Fed. Stat. Anno. Supp. 1912, p. 71.)

238.

SEC. 7. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to fifty dollars or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file the statements of the same under oath, as required by section six of this Act, in the office

of the Clerk of the House of Representatives, at Washington, District of Columbia which statements shall be held by said Clerk in all respects as required by section five of this Act. (36 Stat. L. 824, Fed. Stat. Anno. Supp. 1912, p. 71.)

239.

"SEC. 8 The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election

by the legislature of any State, as Senator in the Congress of the United States, shall, not less than ten nor more than fifteen days before the day for holding such primary election or nominating convention, and not less than ten nor more than fifteen days before the day of the general or special election at which he is seeking indorsement, and not less than five nor more than ten days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, District of Columbia, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

“Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within fifteen days after such primary election or nominating convention, and within thirty days after any such general or special election, and within thirty days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and con-

sent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

“Every such candidate shall include therein a statement of every promise or pledge made by him, or by any one for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

“No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

“No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend,

use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding five thousand dollars in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding ten thousand dollars in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

“The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

“Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides, shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions

of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise whenever made, in any wise relating to the nomination or election of members of the legislature of said State, or in any wise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

“Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this Act.”

Approved August 23, 1912.

“This Act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws.” (As amended August 19, 1911. 37 State. L. 26, Fed. Stat. Anno. 1912. Supp. p. 72, and as amended Aug. 23d, 1912.)

240.

“SEC. 9. That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing or controlling, in two or more States, the results of an election at which Representatives to the Congress of the United States are elected, all necessary personal expenses for his traveling, for stationery, and postage, and for telegraph and telephone service without being subject to the provisions of this Act.” (As amended August 19, 1911. 36 Stat. L. p. 824, Fed. Stat. Anno. 1912 Supp. p. 71.)

241.

SEC. 10. That nothing contained in this Act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election. (36 Stat. L. 824.)

242.

SEC. 11. That every person wilfully violating any of the foregoing provisions of this Act shall, upon conviction, be fined not more than one thousand dollars or imprisoned not more than one year, or both. (Approved, June 25, 1910. 36 Stat. L. 824.)

ARTICLE 7—ADDITIONAL PROVISIONS TO SECURE PURITY OF ELECTIONS.

SEC.	SEC.
243. Illegal voter.	263. Using violence, threats or restraint.
244. Voting in wrong precinct.	264. Seizing ballot box.
245. Non-resident voting.	265. Destroying ballot box or ballots.
246. Importing voters.	266. Inducing voters to re-sign petition.
247. Voting more than once.	267. Selling signature to petition.
248. Sale of vote.	268. Fraud at special election.
249. Reward for conviction.	269. Buying vote at special election.
250. Limitation of actions.	270. Bribing to procure election.
251. Bribery to secure nomination.	271. Bribery of election officers.
252. Bribing voter.	272. Betting on elections.
253. Ground of challenge—Affidavit.	273. Inducing minor to bet on elections.
254. False affidavit.	274. Liquor—Selling on election day.
255. Ballot box breaking—Altering returns.	275. Druggist selling liquor on election day.
256. Fraud by officer.	276. Penalty for selling or offering to sell vote.
257. Altering returns.	277. Penalty for buying votes.
258. Refusing to receive vote.	278. Witnesses.
259. Officer persuading voter.	279. Repeal.
260. Officer opening or marking ticket.	280. Holidays—Hours of Sale—Cities or Towns
261. Deceiving illiterate voter.	—Penalties.
262. Defrauding voter.	

[1881, S., p. 174. Approved April 14, 1881. In force September 19, 1881.]

243. Illegal Voter.

263. Whoever, not having the legal qualifications of a voter at any election authorized by law to be held in this State for any officer whatever, votes or offers to vote at such election, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the county jail not more than one year nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2561; R. S. 1901, §2322; R. S. 1897, §2362; R. S. 1894, §2322; R. S. 1881, §2179.)

244. Voting in Wrong Precinct.

264. Whoever knowingly votes or offers to vote in any precinct or ward except the one in which he resides, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the county jail not more than one year nor less than one month, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2562; R. S. 1901, §2323; R. S. 1897, §2363; R. S. 1894, §2323; R. S. 1881, §2180.)

245. Nonresident Voting.

265. Whoever passes from any other State into this State, and votes or attempts to vote at any voting precinct or ward of this State, not being at the time a bona fide resident of such voting precinct or ward, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2564; R. S. 1901, §2324; R. S. 1897, §2364; R. S. 1894, §2324; R. S. 1881, §2181.)

246. Importing Voters.

266. Whoever hires or solicits any person to come from any State into this State for the purpose of voting at any election therein or to pass from any county to another county, or from any township into another township, or from any voting precinct or ward into another voting precinct or ward of the State, for the purpose of voting therein at any election held therein (such person, so solicited, not being a legal voter in such county, township, precinct or ward), shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2565; R. S. 1901, §2325; R. S. 1897, §2365; R. S. 1894, §2325; R. S. 1881, §2182.)

247. Voting More Than Once.

267. Whoever votes more than once at any election in this State, either at the same precinct or ward or at different precincts or wards, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2563; R. S. 1901, §2326; R. S. 1897, §2366; R. S. 1894, §2326; R. S. 1881, §2183.)

248. Sale of Vote.

1. That whosoever sells, barter or offers to sell or barter his vote, or offers to refrain from voting for any candidate or candidates for any office at any general, special or primary elections or convention either for money or property, or thing of value, or for any promise or favor or hope of reward, or who shall accept any money, property or thing of value, with the promise or pretense of voting for, or refraining from voting for any candidate or candidates, shall upon conviction therefor be disfranchised and rendered incapable of holding any office of profit or trust, for a period not less than ten years nor more than twenty years. (Acts 1899 p. 381. R. S. 1914, Sec. 2558.)

249. Reward for Conviction.

2. Any person or persons having knowledge or information of the violation of the provisions of this act, who shall procure or furnish or cause to be procured or furnished the testimony necessary to secure a conviction of the person or persons violating the same shall be entitled to a reward of \$100 payable out of the treasury of the county in which such conviction shall be had and the right to such reward shall be a valid claim against such county. (Acts 1899 p. 381. R. S. 1914, Sec. 2559.)

250. Limitation of Actions.

4. Prosecutions may be brought, under this act, at any time, within six years after the commission of the offense. (Acts 1899 p. 381. R. S. 1914, Sec. 2560.)

[1889, p. 267. Approved March 9, 1889. In force May 10, 1889.]

251. Bribery to Secure Nomination.

1. Any person being a candidate for nomination to any office of profit or trust under the Constitution or laws of this State, or of the United States, before any convention held by any political party, or at any primary election, who loans, pays or gives, or promises to loan, pay or give any money or other thing of value to any delegate or elector, or any other person, for the purpose of securing the vote or influence of such delegate, elector or person for his nomination, and whoever hires or otherwise employs for consideration any person to work for the nomination of any person to any office, or to work for the selection of any delegate to be chosen at any party convention or primary election, shall, upon conviction thereof, be fined in any sum not more than five hundred dollars and disfranchised and rendered incapable of holding any office of profit or trust within this State for any determinate period, and if nominated shall be ineligible to hold such office. (R. S. 1908 and 1914, §2566; R. S. 1901, §2327; R. S. 1897, §2367; R. S. 1894, §2327; E. S. §319.)

252. Bribing Voter.

2. Whoever, being a candidate for an office, loans or gives, directly or indirectly, or offers or promises to loan or give any money or other thing of value to any elector for the purpose of influencing or retaining the vote of such elector, or to induce such elector to work or labor for the election of such candidate or to refrain from working or laboring for the election of any other candidate, or to any person, to secure or to retain the influence or vote of such elector in his behalf as such candidate, or to be used by such person in any way to influence the vote of any elector, or of electors generally, for himself or any candidate or ticket, and whoever hires or otherwise employs for consideration any person to work at the polls on election day for the election of any candidate to be voted for at such election, shall be fined in any sum not more than one thousand nor less than three hundred dollars, and shall be disfranchised and rendered incapable of holding any office of profit or trust within this State for any determinate period, and

a violation of any provision of this section by any person elected to such office shall render his election void, and if he has taken the office, upon conviction, shall operate as a vacation of the same. (R. S. 1908 and 1914, §2567; R. S. 1901, §2328; R. S. 1897, §2368; R. S. 1894, §2328; E. S., §320.)

253. Ground of Challenge—Affidavit.

5. At any election held under and pursuant to any law of this State, it shall be a ground of challenge that any person offering to vote has used or attempted to use money or other means to buy, hire or induce any elector to vote or refrain from voting for any candidate or candidates, or has advised, counseled or suggested bribery of any elector or electors at any such election, whether the same has been acted on or not; or has sold or offered to sell his vote for any candidate or candidates, at any such election. And when so challenged such elector shall not be permitted to vote until he has taken and subscribed the following:

STATE OF INDIANA, }
County. } ss:

I,, do solemnly swear (or affirm) that I have not used nor attempted to use any money or other means to buy, hire or induce any person or persons to vote or refrain from voting, or to remain away from the polls at this election; and that I have not counseled, advised, suggested or procured any person or persons to bribe any elector or electors to vote for any candidate or candidates, or to refrain from voting, or to remain away from the polls at this election, and that I have not sold or offered to sell my vote, either directly or indirectly, at this election.

.....
 Subscribed and sworn to before me this day of
, 19...

.....
 (R. S. 1908 and 1914, §2568; R. S. 1901, §2331; R. S. 1897, §2371; R. S. 1894, §2331; E. S., §323.)

254. False Affidavit.

6. Whoever shall wilfully or knowingly make a false affidavit under this Act shall be guilty of perjury and punished accordingly. All affidavits made under the preceding sections shall be filed with the Board of Election and preserved by such Board in the manner as other similar affidavits and papers are preserved. (R. S. 1908 and 1914, §2569; R. S. 1901, §2332; R. S. 1897, §2372; R. S. 1894, §2332; E. R., §324.)

1. Section 7 repeals Sections 1, 2, 3 and 5 of Acts of March 17, 1885 (1885, p. 93). The same section repeals 2184 and 2185 of R. S. 1881.

255. Ballot Box Breaking—Altering Returns.

8. Any person not duly authorized by law who shall, during the progress of an election in this State, or after the closing of the polls and before the ballots are counted, and result ascertained, or within six months thereafter, break open or violate the seals or locks of any ballot box, paper envelope or bag in which ballots have been deposited at or after such election, or who shall obtain possession of such ballot box, paper envelope or bag containing such ballots, and cancel, withhold or destroy the same, or who shall fraudulently or forcibly add to or diminish the number of ballots legally deposited therein, or who shall fraudulently make any erasure or alteration of any kind upon any tally sheet, poll book, list of voters or election return deposited therein, shall be fined in any sum not more than one thousand nor less than five hundred dollars, and imprisoned in the State prison not more than ten nor less than two years, and disfranchised and rendered incapable of holding any office of profit or trust in this State for any determinate period. (R. S. 1908 and 1914, §2570; R. S. 1901, §2333; R. S. 1897, §2373; R. S. 1894, §2333; E. S., §326.)

[1881, p. 174. Approved April 14, 1881. In force September 19, 1881.]

256. Fraud by Officer.

270. Whoever, being a Township Trustee, Inspector, Judge of Election, or Clerk of Election, takes out of the ballot box any ballot legally deposited therein, for the purpose of destroying the same or substituting another in its

place, or after the same has been legally taken out, intentionally destroys or misplaces the same with the intent to substitute another ballot therefor, or with the intent to prevent the same from being counted at such election; or knowingly enters upon the poll books the name of any person who has not legally voted at such election; or intentionally tallies any vote to any candidate not voted for by such ballot; or permits any one of these acts to be done,—shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust for any determinate period. (R. S. 1908 and 1914, §2571; R. S. 1901, §2334; R. S. 1897, §2374; R. S. 1894, §2334; R. S. 1881, §2186.)

257. Altering Returns.

271. Any Township Trustee, Inspector or any person acting for or on behalf of any Trustee or Inspector while forming a Board of Canvassers or before the canvassing of any Board of Canvassers or after the adjournment of any Board of Canvassers, who shall, with intent to cheat and defraud, alter any election return as made by the Election Board of any voting precinct, either by increasing the vote of any candidate or reducing the same; or shall intentionally destroy, misplace, or lose any poll book or tally sheet; or any Clerk of Court who shall, with intent to cheat and defraud, change or alter in any way the vote of any candidate as returned by the Board of Canvassers; or any such Trustee, Inspector, Clerk or Deputy Clerk, or other person, acting for such person who shall consent to the same being done, or who shall permit the same to be done, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2572; R. S. 1901, §2335; R. S. 1897, §2375; R. S. 1894, §2335; R. S. 1881, §2187.)

258. Refusing to Receive Vote.

272. Whoever, being an Inspector or Judge of any election held within this State, knowingly and wilfully, or corruptly, refuses or neglects to receive the vote of any legal voter at any election held within the State, shall be fined not more than five hundred dollars nor less than fifty dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2573; R. S. 1901, §2336; R. S. 1897, §2376; R. S. 1894, §2336; R. S. 1881, §2188.)

259. Officer Persuading Voter.

273. Whoever, being an Inspector, Judge, or Clerk of an election, attempts to induce, by persuasion, menace, or reward, or promise thereof, any elector to vote for any person, shall be fined not more than one hundred dollars nor less than ten dollars. R. S. 1908 and 1914, §2574; R. S. 1901, §2337; R. S. 1897, §2377; R. S. 1894, §2337; R. S. 1881, §2189.)

260. Officer Opening or Marking Ticket.

274. Whoever, being a Judge, Inspector, Clerk, or other officer of an election, opens or marks, by folding or otherwise, any ticket presented by such elector at such election; or attempts to find out the names thereon; or suffers the same to be done by any other person before such ticket is deposited in the ballot box, shall be fined in any sum not more than one hundred dollars nor less than ten dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2575; R. S. 1901, §2338; R. S. 1897, 2378; R. S. 1894, §2338; R. S. 1881, §2190.)

261. Deceiving Illiterate Voter.

275. Whoever furnishes an elector who cannot read the English language, at any election held pursuant to law, with a ticket which such person shall represent to such elector as containing a name different from the one printed or written thereon, shall be fined not more than one hundred dollars nor less than ten dollars, and disfranchised and rendered incapable of holding any office of trust or

profit for any determinate period. (R. S. 1908 and 1914, §2576; R. S. 1901, §2339; R. S. 1897, §2379; R. S. 1894, §2339; R. S. 1881, §2191.)

262. Defrauding Voter.

276. Whoever fraudulently causes or attempts to cause any elector, at any election held pursuant to law in this State, to vote for a person different from the one he intended to vote for, shall be fined not more than one hundred dollars nor less than ten dollars. (R. S. 1908 and 1914, §2577; R. S. 1901, §2340; R. S. 1897, §2380; R. S. 1894, §2340; R. S. 1881, §2192.)

263. Using Violence, Threats or Restraint.

277. Whoever, for the purpose of influencing a voter, seeks, by violence or threats of violence or threats to enforce the payment of a debt; or to eject or threatens to eject from any house he may occupy; or to begin a criminal prosecution; or to injure the business or trade of an elector; or, if an employer of laborers or an agent of such employer, threatens to withhold the wages of or to dismiss from service any laborer in his employment; or refuses to allow to any such employe time to attend at the place of election and vote, shall be fined not more than one thousand dollars nor less than twenty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2578; R. S. 1901, §2341; R. S. 1897, §2381; R. S. 1894, §2341; R. S. 1881, §2193.)

264. Seizing Ballot Box.

278. Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot box, or any ballots therein deposited, while the voting of such election is going on or before the ballots are duly taken out of such ballot box and counted by the Election Board according to law, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and

rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2579; R. S. 1901, §2342; R. S. 1897, §2382; R. S. 1894, §2342; R. S. 1881, §2194.)

265. Destroying Ballot Box or Ballots.

279. Whoever unlawfully destroys or attempts to destroy any ballot box used, or any ballot or vote deposited, or any poll book kept at any election, shall be fined not more than one thousand dollars nor less than fifty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2580; R. S. 1901, §2343; R. S. 1897, §2383; R. S. 1894, §2343; R. S. 1881, §2195.)

266. Inducing Voters to Re-sign Petition.

280. Whoever, by persuasion, menace, or reward, or promise thereof, induces or attempts to induce any legal voter of any county to re-sign any written or printed petition for the re-location of the county-seat of any county or any remonstrance against such re-location, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not more than six months nor less than ten days, and he shall be disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2581; R. S. 1901, §2344; R. S. 1897, §2384; R. S. 1894, §2344; R. S. 1881, §2196.)

267. Selling Signature to Petition.

281. Whoever, being a legal voter of any county, sells or barter or offers to sell or barter for money, property, or things of value, or for any promise or hope of reward, given or offered by any person, his signature to any written petition for the re-location of any county-seat, or to any remonstrance against such re-location, shall be fined not more than five hundred dollars nor less than ten dollars, to which may be added imprisonment in the county jail not

more than six months nor less than ten days, and he shall be disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2582; R. S. 1901, §2345; R. S. 1897, §2385; R. S. 1894, §2345; R. S. 1881, §2197.)

268. Fraud at Special Election.

282. Whoever votes more than once at any election for the re-location of any county-seat, or for aid to any railroad, either at the same precinct, or at different precincts, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not more than fifty dollars nor less than ten dollars. (R. S. 1908 and 1914, §2583; R. S. 1901, §2346; R. S. 1897, §2386; R. S. 1894, §2346; R. S. 1881, §2198.)

269. Buying Vote at Special Election.

283. Whoever buys or offers to buy, either by himself or by any other person, or furnishes any money or any other means to be used, or who shall permit his money or other means to be used, to hire, buy, or induce any person to vote for or against the removal of a county-seat, or for or against the appropriation of aid to any railroad; or whoever attempts to induce any person to vote for or against such removal or appropriation, by offering any reward or favor,—shall be deemed guilty of a misdemeanor. And whoever, being a voter of this State, sells or barter or offers to sell or barter, for any money or property, or anything of value, or any promise or hope of reward given or offered by any person or persons, his vote for the removal or for the re-location of a county-seat, or against such removal or re-location, or against such appropriation or in favor of such appropriation for said railroad, shall be deemed guilty of a misdemeanor. And, upon conviction of violating any provisions of this section, the persons so offending shall be fined in any sum not more than one hundred dollars nor less than twenty-five dollars, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period not exceeding five years. (R. S. 1908 and 1914, §2584; R. S. 1901, §2347; R. S. 1897, §2387; R. S. 1894, §2347; R. S. 1881, §2199.)

270. Bribing to Procure Election.

284. Whoever gives or offers a bribe, threat, or reward to procure his election to any office under the Constitution or the laws of this State, shall be fined not more than one thousand dollars nor less than fifty dollars, and imprisoned in the State prison not more than five years nor less than one year; and such person so offending, if elected to such office, shall be disqualified from holding office during the term for which he may have been elected, and also disfranchised for any determinate period. (R. S. 1908 and 1914, §2585; R. S. 1901, §2348; R. S. 1897, §2388; R. S. 1894, §2348; R. S. 1881, §2200.)

[Acts 1905, p. 695. Approved March 10, 1905.]

271. Bribery of Election Officers.

478. Whoever, with intent to corrupt a grand or petit juror or a grand or petit jury, referee, master-commissioner, arbitrator, umpire, commissioner to sell lands or to make a partition of lands, appraiser of real estate or personal property county commissioner, mayor of a city, or member of the Common Council or other officer of any city, or Trustee of any incorporated town, Trustee of any civil or school township, school city or town, or any Inspector, Judge or Clerk of election, or to influence him or them with respect to the discharge of his or their duty, either before or after he or they are summoned, elected, appointed, qualified or sworn, promises or offers him or them any money or valuable thing; and whoever, either before or after he is summoned, elected, appointed, qualified or sworn as a grand or petit juror, referee, master-commissioner, arbitrator, umpire, commissioner to sell lands or to make partition of lands, appraiser of real estate or personal property, county commissioner, mayor of a city, or member of the Common Council or other officer of any city, trustee of any incorporated town, trustee of any civil or school township, school city or town, or Inspector, Judge or Clerk of election, solicits or accepts any money or other valuable thing to influence him with respect to the discharge of his duties as such, shall, on conviction, be imprisoned in the State prison not less than two years nor more than fourteen years, fined not exceeding one thousand dollars, and

disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §2379; R. S. 1905, §2123.)

[Acts 1905, p. 717. Approved March 10, 1905.]

272. Betting on Elections.

561. Whoever makes any bet or wager, or sells or purchases any pools on the result of any election held under the laws of this State, or upon the result of any State election, or upon the election of any person to any office, post or situation, or upon the election of President or Vice-President of the United States, or of Senators or Representatives in Congress, or of any elector of President or Vice-President of the United States, or sells or purchases any pools on the result of any horse race, or trial of speed between men or animals, or of any game, shall, upon conviction, be fined not less than five dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not less than ten days nor more than three months. (R. S. 1908 and 1914, §2470; R. S. 1905, §2205.)

[Acts 1905, p. 716. Approved March 10, 1905.]

273. Inducing Minor to Bet on Elections.

559. Whoever, being an adult, by any device or pretense, entices any person under the age of twenty-one years, knowing such person to be a minor, to engage in any game whatever for money or property of any value, or plays or bets at or upon any game or wager, or upon the result of any game or election, with a minor, knowing him to be such, shall, on conviction, be fined not less than five dollars nor more than one hundred dollars, to which may be added imprisonment in the county jail not less than thirty days nor more than one year. (R. S. 1908 and 1914, §2468; R. S. 1905, §2203.)

[Acts 1905, p. 721. Approved March 10, 1905.]

274. Liquor—Selling on Election Day.

579. Whoever shall sell, barter or give away, to be drunk as a beverage, any spirituous, vinous, malt or other intoxicating liquors, upon Sunday, the Fourth of July, the

first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving day as designated by proclamation of the Governor of this State, or the President of the United States, or any legal holiday or upon the day of any state, county, township, primary or municipal election in the township, town or city where the same may be holden, or between the hours of eleven o'clock p. m. and five o'clock a. m., shall, on conviction, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not less than ten days nor more than sixty days. (R. S. 1908 and 1914, §2492; R. S. 1905, §2226.) (See Section 280.)

[Acts 1905, p. 722. Approved March 10, 1905.]

275. Druggist Selling Liquor on Election Day.

580. It shall be unlawful for any druggist or druggist's clerk to sell, barter, or give away any spirituous, vinous, malt or other intoxicating liquor on Sunday, or upon the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving day, or any legal holiday, or upon the day of any State, county, township, primary or municipal election in the township, town or city where the same may be holden, or between the hours of eleven o'clock p. m. and five o'clock a. m. of any day, unless the person to whom the same is sold, bartered or given shall have first procured a written prescription therefor from some regular practicing physician of the county where the same is sold, bartered or given away. And any person so offending shall, on conviction, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not less than ten days nor more than sixty days. (R. S. 1908 and 1914, §2493; R. S. 1905, §2227.)

[Acts 1905, p. 481. Approved March 6, 1905.]

276. Penalty for Selling or Offering to Sell Vote.

2. Whoever sells, barter, or offers to sell or barter his vote or offers to refrain from voting for any candidate for any office to be voted for at any election held in this

State, either for any money or property or thing of value or for any promise or favor or hope of reward, given or offered by any candidate to be voted for at any election held in this State or by any other person or persons, shall be fined in any sum not more than fifty dollars and disfranchised and rendered incapable of holding any office of trust or profit for a period of ten years from the date of such conviction. (R. S. 1908 and 1914, §2555; R. S. 1905, §2279.)

[Acts 1905, p. 481. Approved March 6, 1905.]

277. Penalty for Buying Votes.

1. That whoever, directly or indirectly, hires, buys or offers to hire or buy, or furnish any money or other means to be used, or directs or permits his money or other means to be used, or handles any money or other means, knowing the same to be used to induce, hire, or buy any person to vote or refrain from voting any ticket or for any candidate for any office, to be voted for at any election held in this State; or whoever attempts to induce any person to vote or to refrain from voting for any candidate for any office to be voted for at any election held pursuant to law or at any primary held in this State, by offering such person any reward or favor, shall be fined in any sum not more than fifty dollars and disfranchised and rendered incapable of holding any office of trust or profit for a period of ten years from the date of such conviction. (R. S. 1908 and 1914, §2554; R. S. 1905, §2278.)

[Acts 1905, p. 482. Approved March 6, 1905.]

278. Witnesses.

3. Any person called as a witness to testify against another for the violation of any of the provisions of Secs. 1 or 2 of this act, is a competent witness to prove the offense, although he may have been concerned as a party, and he shall be compelled to testify as other witnesses, but such evidence shall not be used against him in any prosecution for such or any other offense growing out of matters about which he testifies, and he shall not be liable to trial by indictment or information or punished for such offense. (R. S. 1908 and 1914, §2556; R. S. 1905, §2280.)

[Acts 1905, p. 482. Approved March 6, 1905.]

279. Repeal.

4. That the act entitled "An Act to procure the purity of general, special and primary elections and conventions, prescribing punishment for the violation thereof, and reward for conviction of violations of the provisions thereof, and to repeal Secs. 3, 4, 5 and 6 of an act entitled 'An Act concerning elections and nominating conventions, to maintain political purity an prescribing punishment for any violations thereof,' approved March 9, 1889, and an act entitled 'An Act to secure the purity and freedom of the ballot and to repeal Secs. 1, 2, 3 and 5 of an act entitled "An Act to protect the ballot box, to procure fair elections, to prevent the purchase or sale of votes, to provide means of proving such offenses, prescribing the penalty therefor and repealing Secs. 268 and 269 of an act concerning public offenses and their punishment," approved April 14, 1881, being Secs. 2184 and 2185 of the revised statutes of 1881, and repealing all laws and parts of laws in conflict with the provisions of this act, approved March 9, 1889, and an Act concerning public offenses and their punishment, approved March 8, 1897, and all laws and parts of laws in conflict with the provisions of this act, approved March 4, 1899,' " be and the same is hereby repealed. (R. S. 1908 and 1914, §2557; R. S. 1905, §2281.)

280. Holidays—Hours of Sale—Cities or Towns—Penalty.

27. Whoever shall barter, sell or give away, to be drunk as a beverage, any intoxicating liquors upon Sunday, the Fourth of July, the first day of January, the twenty-fifth day of December, commonly called Christmas, Thanksgiving day, as designated by proclamation of the governor of this State or the President of the United States, or any legal holiday, or upon the day of any State, County, Township primary, or municipal election in the city, town or township where the same may be holden, until the polls are closed, or in the cities of the first and second class, between the hours of 12 o'clock midnight and 5 o'clock a. m., or in any other cities between the hours of 11 o'clock p. m. and 5 o'clock a. m., or in any other place in the State between the hours of 10 o'clock p. m. and 5 o'clock a. m., shall, on

conviction thereof, be fined not less than ten dollars nor more than fifty dollars, to which may be added imprisonment in the county jail or workhouse not more than sixty days. (Acts 1911, p. 244. R. S. 1914, Sec. 8323fl.) (See Sec. 274.)

CHAPTER 4.

ELECTORS—PRESIDENTIAL.

SEC.

- 281. When chosen.
- 282. Notice—How and by whom given.
- 283. Certificate to Marshal.
- 284. Return—Districts.
- 285. Duty of Governor.
- 286. Affidavit of Marshal.
- 287. Deputy Marshals—Vacancies.

SEC.

- 288. Duties of Marshal and Secretary of State.
- 289. Meeting of Electors—Vacancies.
- 290. Vote of Electors.
- 291. Pay of Electors and Marshals.
- 292. Temporary method for nominating and electing U. S. Senators.

[1 R. S. 1852, p. 516. Approved May 20, 1852. In force May 6, 1853.]

281. When Chosen.

1. The qualified electors of the State shall, on Tuesday following the first Monday in November, in the year 1852, and on Tuesday following the first Monday in November in every fourth year thereafter, elect Electors of President and Vice-President of the United States; which election shall, in all respects, be governed by the law regulating general elections. (R. S. 1908 and 1914, §7112; R. S. 1901, §6340; R. S. 1897, §6642; R. S. 1894, §6340; R. S. 1881, §4769.)

282. Notice—How and by Whom Given.

2. The Sheriff of each county shall give notice of the time of holding such elections, together with the number of electors to be elected, by publishing such notice in some newspaper within the county or by written or printed notices to be set up at the usual places of holding elections in the respective townships, at least twenty days preceding the time of holding such elections. (R. S. 1908 and 1914, §7113; R. S. 1901, §6341; R. S. 1897, §6643; R. S. 1894, §6341; R. S. 1881, §4770.)

283. Certificate to Marshal.

3. Boards of elections in the several townships or precincts shall make out certificates, under their hands, certifying in words, the number of votes that each person received for Elector; and the same shall be attested by the clerks of said election, sealed in the presence of such judges, and put in the hands of the selected judges, who shall, on the ensuing Thursday, deliver the same to the Clerk of the

Circuit Court, or, in his absence, to his deputy, or in their absence, to the Sheriff, who shall, in the presence of such judges in attendance, between the hours of twelve and six, of said day, compare the different returns, and make out, in words, a certificate of the number of votes each candidate for Elector received in the county; which certificate shall be signed by the Clerk, deputy, or Sheriff officiating, and be sealed with the seal of the Circuit Court of the county, and delivered by such Clerk, deputy, or Sheriff to the Marshal appointed to convey the same to the seat of government. (R. S. 1908 and 1914, §7114; R. S. 1901, §6342; R. S. 1897, §6644; R. S. 1894, §6342; R. S. 1881, §4771.)

284. Return-Districts.

4. Each congressional district shall compose one return-district, and shall be numbered as the districts are numbered when the votes are taken. (R. S. 1908 and 1914, §7115; R. S. 1901, §6343; R. S. 1897, §6645; R. S. 1894, §6343; R. S. 1881, §4772.)

285. Duty of Governor.

5. The Governor shall, before the first day of October in each year in which such election is to be held, appoint some citizen in each district as Marshal, who shall hold his office until the duties required of him by this act are performed. (R. S. 1908 and 1914, §7116; R. S. 1901, §6344; R. S. 1897, §6646; R. S. 1894, §6344; R. S. 1881, §4773.)

286. Affidavit of Marshal.

6. Each Marshal, before the first Monday in November following, shall make an affidavit on the back of his appointment that he will, without fraud or delay, perform the duties required of him by this act. (R. S. 1908 and 1914, §7117; R. S. 1901, §6345; R. S. 1897, §6647; R. S. 1894, §6345; R. S. 1881, §4774.)

287. Deputy Marshals—Vacancies.

7. Such Marshals may appoint deputies, who shall make the same affidavit on the back of their appointments as is required of Marshals; and vacancies occurring in the

office of Marshal, by removal from the State or otherwise, shall be filled by the Judge of the Circuit Court of the county in which such Marshal resided. (R. S. 1908 and 1914, §7118; R. S. 1901, §6346; R. S. 1897, §6648; R. S. 1894, §6346; R. S. 1881, §4775.)

288. Duties of Marshal and Secretary of State.

8. Each Marshal or his deputy shall visit the county-seats of the counties in his district, receive the returns thereof from the Clerks, deputies, or Sheriffs officiating, and deliver the same, on the fourth Monday in November following, between the hours of nine and eleven of said day, to the Secretary of State, who, in the presence of the Governor and all the Marshals in attendance, between the hours of twelve and six o'clock on said day, shall compare such certificates and read aloud the number of votes each person has received, and make out an abstract of the persons voted for, and the number, in words, of votes given to each; and the Governor shall forthwith make out and transmit, by mail, to the persons having the highest number of votes, certificates of their election. But, if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having an equal number of votes shall be determined by lot, drawn by the Secretary of State in the presence of the Governor and Marshals. (R. S. 1908 and 1914, §7119; R. S. 1901, §6347; R. S. 1897, §6649; R. S. 1894, §6347; R. S. 1881, §4776.)

289. Meeting of Electors—Vacancies.

9. Such Electors shall assemble in the chamber of the House of Representatives, on the first Monday in December, or such other day as may be fixed by Congress to elect such President and Vice-President, at the hour of ten o'clock a. m., and the Governor shall then and there deliver to the Electors present a certificate of the names of all the Electors; and if any Elector fail to appear before eleven in the morning of said day, the Electors present shall by ballot, by a majority of all present, fill such vacancy; which election shall be forthwith certified by a majority of the Electors to the Governor, who shall immediately notify

such person of his election. (R. S. 1908 and 1914, §7120; R. S. 1901, §6348; R. S. 1897, §6650; R. S. 1894, §6348; R. S. 1881, §4777.)

1. By an Act of Congress the electors meet now on the second Monday in January next following their appointment (or election) at the place where the legislature meets. 2 R. S. U. S., p. 527; 24 U. S. at Large 373.

290. Vote of Electors.

10. Such Electors, when so assembled, and such vacancies are so filled, shall then and there proceed to vote, by ballot, for President and Vice-President of the United States, and perform the duties required by the Constitution and laws of the United States. (R. S. 1908 and 1914, §7121; R. S. 1901, §6349; R. S. 1897, §6651; R. S. 1894, §6349; R. S. 1881, §4778.)

291. Pay of Electors and Marshals.

11. The compensation of such Electors and Marshals shall be audited by the Auditor of State, and paid by the State Treasurer out of any moneys not otherwise appropriated, as follows, to wit: Such Electors as attend shall receive the same per diem and mileage as members of the General Assembly; each Marshal shall be allowed ten cents for every mile he shall travel in collecting said returns, and in going to and from the seat of government, to be computed by the nearest and most usual route from county-seat to county-seat, and to the seat of government to and from the county-seat of the county in which he resides. (R. S. 1908 and 1914, §7122; R. S. 1901, §6350; R. S. 1897, §6652; R. S. 1894, §6350; R. S. 1881, §4779.)

[PUBLIC—No. 111—63D CONGRESS.]

[S. 2800.]

An Act Providing a temporary method of conducting the nomination and election of United States Senators.

292.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the regular election held in any State next preceding the expiration of the term for which any Senator was

elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the fourth day of March next thereafter.

SEC. 2. That in any State wherein a United States Senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office not heretofore made shall be made, the election to fill the same conducted, and the result thereof determined, as near as may be in accordance with the laws of such State regulating the nomination of candidates for and election of Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State: *And provided further*, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

SEC. 3. That section two of this Act shall expire by limitation at the end of three years from the date of its approval. (Approved June 4, 1914.)

CHAPTER 5.

VOTING WITH MACHINES.

SEC.		SEC.	
293.	Commission.	207.	Announcement of result.
294.	Examine machines—Report.	308.	Locking machine.
295.	Construction and arrangement of machine.	309.	Recording roll.
296.	Purchasing machines.	310.	Custody of keys.
297.	Paying for machines.	311.	Laws applicable.
298.	Penalty for bribe.	312.	Officers—Neglect of duty—Penalties.
299.	School Commissioners.	313.	Injuring machine or ballots.
300.	Election rooms.	314.	False affidavit.
301.	Illiterate voter.	315.	Using distinguishing marks—Penalties.
302.	Ballot label.	316.	Officers tampering with machine—Penalty.
303.	Sample ballots.	317.	False returns—Penalty.
304.	Duties of Inspectors.	318.	Cities and towns may use machines.
305.	Irregular ballots.	319.	Experimental use.
306.	Conduct of voter.	320.	Printing ballots, when.

[Acts 1901, p. 591. Approved and in force March 15, 1901.]

293. Commission.

1. There is hereby constituted a body to be known as the Indiana Voting Machine Commission. It shall consist of three members, competent and responsible persons, one of whom shall be a mechanical expert, not more than two of whom shall be members of the same political party, and none of whom shall have any pecuniary interest in any voting machine. Their term of office shall be four years from date of appointment. They and their successors shall be appointed by the Governor, who shall have power to remove a Commissioner at any time and to fill all vacancies. The first Commissioner shall be appointed within thirty days after the taking effect of this act. The Commissioners shall qualify by taking an oath in writing to support the Constitution of the United States and of the State of Indiana, and to faithfully and honestly discharge their duties and filing the same in the office of the Auditor of State, and all such examinations shall be public. (R. S. 1908 and 1914, §7021; R. S. 1901, §6326.)

294. Examine Machines—Report.

2. Any person or corporation owning or being interested in any voting machine may apply to said Commission to examine such machine and report on its accuracy, efficiency and capacity. The Commissioners shall examine the machine and make and file a report thereon in the office

of the Secretary of State. They shall state in the report whether the kind of machine so examined complies with the requirements of this act and can be safely used by voters at elections under the conditions prescribed in this act. If the report be in the affirmative upon said questions, the machine shall be deemed approved by the Commission, and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof. Any form of voting machine not so approved can not be used at any election. Each Commissioner shall be entitled to fifty dollars (\$50) for his compensation, and expenses, in making such examination and report, to be paid by the person or corporation applying for such examination, which may be demanded in advance of making the examination. The Commission may, if it consents to do so, go to any point in the State for the purpose of examining a machine, but it shall not be compelled to make such examination at any place other than the capital of the State. (R. S. 1908 and 1914, §7022; R. S. 1901, §6327.)

295. Construction and Arrangement of Machine.

3. No machine shall be approved by the Commissioners unless it be so constructed as that it affords each elector an opportunity to vote in absolute secrecy; to vote a straight party ticket, or part of one party ticket and part of another or other party tickets; to vote for all candidates for whom he is entitled to vote, and prevents him from voting for any candidate more than once; that prevents the elector from voting for more than one person for the same office unless he is lawfully entitled to vote for more than one person therefor, and in that event permits him to vote for as many persons for that office as he is by law entitled, and no more; and that such machine will correctly register by means of mechanical counters every vote cast on the regular tickets thereon; that the machine shall be provided with seven pairs of "yes" or "no" counters with the operating or voting devices therefor, and shall have the capacity to contain the tickets of seven political parties with the names of all candidates thereon, except that it may be so

constructed that the names of all candidates for presidential electors will not occur thereon, but in lieu thereof one ballot labeled in each party columns or rows shall contain only the words "Presidential Electors" preceded by the party name; and every vote registered for such ballot label shall operate as a vote for all candidates of such party for presidential electors and shall be counted as such; and that all votes cast on the machine on a regular ballot or ballots shall be registered. It shall also be so constructed as that any elector may by means of irregular ballots or otherwise vote for any person for any office although such person may not have been nominated by any party and his name may not appear on such machine; and that when a person is voted for for any such office, when name does not appear on the machine, the elector can not vote for any name on the machine for the same office. It shall be so constructed as that each elector may readily understand and understandingly and within the period of one minute cast his vote for all candidates of his choice. In case the machine is so constructed as that the candidates for presidential electors of any party can only be voted for by voting for the ballot label containing the words "Presidential Electors," it must be so constructed as that by voting an irregular ticket as hereinafter defined, the elector may vote for any person or persons he may choose for presidential electors. The machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prevented, and so that it can not be tampered with or manipulated for any fraudulent purpose; and the machine must be susceptible of being so closed during the progress of the voting as that no person can see or know the number of votes registered for any candidate. (R. S. 1908 and 1914, 7023; R. S. 1901, §6328.)

[Acts 1903, p. 273. In force April 22, 1903.]

296. Purchasing Machines.

4. The Board of Commissioners of every county in this State in which is located a city having a population of thirty-six thousand or more, according to the last preceding United States census, shall and the Board of Commissioners of all other counties in this State may, adopt and pur-

chase or procure for use in the various precincts of the county, any voting machine approved in the manner above set forth in this act by the Voting Machine Commission, and none other: Provided, That the Board of Commissioners shall purchase or procure no voting machine unless the party or parties selling it shall guarantee, in writing, to keep the machine in working order for not less than five (5) years without additional cost to the county, and give a bond conditional to that effect; but it shall be the duty of such Board of Commissioners to adopt and purchase or procure no such machine unless they are themselves satisfied that it complies with the requirements of Sec. 3 of this act; and that it is thoroughly reliable and correct in its operation, readily understood and operated, can not be fraudulently manipulated, and will unquestionably maintain the secrecy of the ballot. If it shall be impossible to supply each and every election district with a voting machine, or voting machines, at any election following the adoption of such machines in a county, as many may be supplied as it is possible to procure, and the same shall be used in such precincts of the county as the Board of Commissioners shall order. The precincts in which voting machines are used shall contain as near as practicable six hundred voters: Provided, This number of voters may be reduced in country precincts at the discretion of the County Commissioners. The boundaries of such precincts shall be established by the Board of Commissioners not later than their regular June session of the year in which a general election occurs in this State, and the order of the Board of Commissioners for the use of voting machines in such precincts shall be made at the same time that the boundaries are so established; and said boundaries shall not be changed, nor said order rescinded, after such June session of the Board of Commissioners until after the next ensuing general election: Provided, That if for any reason, it should turn out to be impossible to obtain machines for use in such precincts, then the same may be provided or changed so as to conform to the law with reference to precincts in which machines are not used; and the notice of such division or change shall be given in the manner prescribed by law for notices of change of precinct boundaries; and, Provided further, That if the Board of County Com-

missioners shall have on hand, and certainly ready for use at the election, more machines than precincts have been provide for, they may, at any regular or special session not later than the first day of September in any year in which a general election is held, unite two or more precincts into one for the purpose of using therein at such election a voting machine, and notice of such uniting shall be given in the manner prescribed by law for notice of change in the precinct boundaries. And the order for use of machines in such united precincts shall be made by the Board of County Commissioners at the time such precincts are united. The Board of County Commissioners shall have the care and custody of all machines while not in use. (R. S. 1908 and 1914, §7024; Acts 1903, p. 278; R. S. 1905, §6329.)

297. Paying for Machines.

5. Payment for voting machines purchased or procured may be provided for in such manner as is deemed best for the interests of the county. Money may be borrowed for the purpose, and bonds or other evidences of indebtedness of the county be issued and sold in the same manner and upon the authority prescribed by law. (R. S. 1908 and 1914, §7025; Acts 1913, p. 278; R. S. 1905, §6330.)

298. Penalty for Bribe.

3. Any member of any Board of County Commissioners of any county who shall receive or accept, directly or indirectly, any money, property or other thing of value for his influence, vote or action in connection with the purchase of any voting machine or voting machines by such county from any person, firm or corporation shall be fined in a sum not to exceed three thousand (\$3,000.00) dollars, to which may be added imprisonment in the State's prison for a term of two to four years and shall also be disfranchised for a period of ten years. (R. S. 1908 and 1914, §7026; Acts 1903, p. 278; R. S. 1905, §6330a.)

299. School Commissioners.

4. In the elections in which there shall be School Commissioners to be elected, the proper Board of Election Com-

missioners shall arrange the names of candidates for School Commissioners in order on the several machines in such a way, as far as possible, that the name of each candidate shall appear at the head of the column for his term of office as often as that of any other such candidate shall so appear, and in second, third and fourth place, and each succeeding place, a like number of times. (R. S. 1908 and 1914, §7027; R. S. 1905, §6330b.)

300. **Election Rooms.**

6. The room in which the election is held shall have a railing separating the part of the room to be occupied by the Election Board from that part of the room occupied by the voting machine. The exterior of the voting machine and every part of the polling place shall be in plain view of the Election Board. The machine shall be so placed as that no person on the opposite side of the railing can see or determine how the voter casts his vote. And that no person can see or determine from the outside of the room. After the opening of the polls neither the Inspector nor any Judge of the election shall allow any person to pass within the railing to the part of the room where the machine is situated, except for the purpose of voting, except as provided in the next succeeding section of this Act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any person to remain in any position or near any position that would permit him to see or ascertain how the voter votes or how he has voted. No voter shall remain within the voting booth or compartment longer than one minute, and if he should refuse to leave it after the lapse of that time, he shall at once be removed by the Election Board or Election Sheriff or Sheriffs upon the order of the Board. (R. S. 1908 and 1914, §7028; R. S. 1901, §6331.)

301. **Illiterate Voter.**

7. If any voter shall in the presence of the Election Board make affidavit in writing that he is unable to read the English language or that by reason of physical disability, setting out the particulars in which said physical disability exists, he is unable to register his vote upon the

machine, he shall be accompanied into the voting booth by both of the Election Clerks, and there declare his choice of candidate to such clerks, who, in his presence and in the presence of each other, shall register his vote upon the machine for the candidates of his choice.

Any Poll Clerk or Poll Clerks who shall deceive any elector in registering his vote under this section, or who shall register his vote in any other way than as requested by such person, or who shall give information to any person as to what ticket or for what person or persons such person voted, shall be guilty of a felony, and on conviction shall be imprisoned in the penitentiary not more than five nor less than two years, and disfranchised for any determinate period not less than five years. (R. S. 1908 and 1914, §7029; R. S. 1901, §6332.)

302. Ballot Label.

8. That portion of cardboard, paper, or other material, placed on the front of the machine containing the names of the candidates, or a statement of a proposed constitutional amendment or other question or proposition to be voted on, shall be known in this Act as a ballot label. The ballot label shall be caused to be printed and shall be furnished by the County Board of Election Commissioners, and shall be printed in black ink on clear white material of such size as will fit the machine, and in plain, clear type as the space will reasonably permit. The party device for such political party, which has been adopted in accordance with law, and the party name or other designation shall be prefixed to the list of candidates of such party. (R. S. 1908 and 1914, §7030; R. S. 1901, §6333.)

303. Sample Ballots.

9. The State Board of Election Commissioners shall cause to be printed, for the use of the County Board of Election Commissioners of the several counties of the State five sample ballots, which shall be exact copies of the official ballots which are caused to be printed by them, but on different colored paper from the official ballots; said sample ballots shall be enclosed in a separate wrapper or envelope from that of other papers delivered by the State

Board of Election Commissioners to the Clerk of the Circuit Court or his messenger, and shall be directed to the County Board of Election Commissioners; and they shall be delivered to the Clerk of the Circuit Court or other messenger who carries the official ballots from the State Board of Election Commissioners to the county, and shall be by him carried to the office of the Clerk of the Circuit Court of the county and there deposited and kept until taken into the custody of the County Board of Election Commissioners. The County Board of Commissioners shall provide at least five sample ballots for each precinct of the county in which a voting machine is to be used, which shall be arranged in the form of a diagram showing the entire front of voting machine as it will appear after the ballot labels are arranged thereon for voting on election day. The party ticket on such sample ballots, the offices to be filled and the names of the candidates thereon, shall be arranged in the same order in which they occur on the official ballots printed under the jurisdiction respectively of the State and County Board of Election Commissioners, except where presidential electors are to be voted for at any election and the machine to be used is not sufficient to carry the names of all the candidates for such electors, then there may be placed as the first ballot label of each party ticket, a ballot containing the words "Presidential Electors," preceded by the name of the political party. The ticket of each political party on such sample ballot shall be arranged in the following order: First, the State ticket or ticket voted for by the whole State; second, the county ticket, and third, the township ticket, if any. In all cases the ticket shall be arranged on the machine for the purpose of voting in exact accordance with the sample ballot so furnished by the County Board of Election Commissioners. At least three of such sample ballots shall be posted by the Inspector of the precinct or under his direction near the entrance of the chute at the election precinct, and shall there be open to public inspection during the whole of election day. In addition to said sample ballots the Board of Election Commissioners may furnish in connection with instruction cards, diagrams of the front of the machine with ballot labels pasted thereon, at least two of which shall also be posted up near the voting place if furnished. (R. S. 1908 and 1914, §7031; R. S. 1901, §6334.)

304. Duties of Inspectors.

10. The Inspector of each election precinct in which a voting machine is to be used, shall appear at the office of the Clerk of the Circuit Court not more than three nor less than two days before the election, and there receive from the County Board of Election Commissioners the sample ballots, three complete sets of ballot labels, and all poll books, and other supplies of whatever character necessary to conduct the election in his precinct, and make return thereof. The County Board of Election Commissioners shall, before the day of election, cause the proper ballot labels to be put upon each machine corresponding with the sample ballot herein provided for, and the machine in every way to be put in order, set and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons and cause him or them to be paid out of the county treasury in the same manner that other expenses incurred by the said Board are paid. And the Board of County Commissioners shall cause the machine so labeled, in order, set and adjusted, to be delivered at the voting precinct, together with all necessary furniture and appliances that go with the same in the room where the election is to be held in the precinct, not later than six o'clock p. m. of the day preceding the election. After the delivery of such machine and on the same day the Inspector and Election Judges of the precinct may meet at said room, open the package containing the sample ballots and if necessary the ballot labels, and see that said machine is correctly labeled, set and adjusted, ready for use in voting; and if the same is not so labeled, set and adjusted and in order, they shall immediately label, set and adjust the same and place it in order or cause it to be done. On the morning of the election the Election Board, including the Inspector, Judges, Poll Clerks and Sheriffs, if any, shall meet at said room at least one hour before the time for opening the polls. The Inspector shall then cause the chute on the outside of the building to be erected, sample ballots and instruction cards to be posted, and everything put in readiness for the commencement of voting at the hour of opening the polls. The Election Boards, in the presence of the clerks, shall com-

pare the ballot labels on the machine with the sample ballot, see that they are correct, examine and see that all the counters in the machine are set at zero, and that the machine is otherwise in perfect order, and they shall not thereafter permit the counters to be operated or moved except by electors in voting, and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine. (R. S. 1908 and 1914, §7032; R. S. 1901, §6335.)

305. Irregular Ballots.

10½. Ballots voted for any person whose name does not appear on the ballot label on the machine as a candidate for office, are herein referred to as irregular ballots. Where two or more candidates are to be elected to the same office the voting devices belonging to all the candidates for said offices shall be included in a group herein referred to as a multicandidate group. Except for presidential electors, and except in multicandidate groups, where the irregular balloting device requires otherwise, no irregular ballot shall be voted for any person for any office whose name appears on the ballot label on the front of the machine as a candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

In voting for presidential electors an elector may vote an irregular ticket, made up of the names of persons in nomination by different parties or partially of the names of persons so in nomination and partially of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for that purpose. (R. S. 1908 and 1914, §7033; R. S. 1901, §6335a.)

306. Conduct of Voter.

11. When a voter has passed the challengers and entered the election room he shall announce his name to the Poll Clerks in the presence of the Board and each of the

Poll Clerks shall write his name on the poll book in his possession. If not challenged by any member of the Board, the voter shall then be permitted to pass the railing to the side where the machine is and into the voting booth or compartment, and he shall there register his vote in secret. Having done so he shall immediately pass out and announce to the clerks that he has voted, who shall write opposite his name "voted," and he shall leave the room. Not more than one voter at a time shall be permitted on the side of the railing where the machine is, and not more than one other voter shall be permitted in the room while he is in. And not more than one voter besides the Election Board, Clerks and Sheriffs, shall be permitted in the room at a time, if any member of the Election Board objects thereto. (R. S. 1908 and 1914, §7034; R. S. 1901, §6335b.)

307. Announcement of Result.

12. As soon as the polls of the election are closed the Inspector in the presence of the Judges and Poll Clerks, shall immediately lock the voting machine against voting and open the counting compartment, giving full view of all the counter numbers to all members of the Election Board, including Poll Clerks and Sheriffs. The Inspector shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the regular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question voted on. The vote so announced by the Inspector shall be taken down by each of the Poll Clerks and recorded on books or papers prepared for that purpose. They shall record the number of votes received for each candidate on the regular ticket and also the number received by each person on the irregular ticket. The certificates of the number of votes cast for each person shall be made and signed as required by law in case of other election returns, and all statements of the number of votes required by law in duplicate, triplicate or otherwise, shall be made, signed by the election officers. And such certificates and other papers shall be returned to the office of the Clerk of the Circuit

Court, and to the Board of Canvassers in the same manner, under the same regulations and penalties as are prescribed by law for election returns from precincts in which no voting machine is used. (R. S. 1908 and 1914, §7035; R. S. 1901, §6335c.)

308. Locking Machine.

13. The Inspector as soon as the count is completed and fully ascertained as in this Act required, shall close and lock the machine against voting or being tampered with, and it shall so remain for a period of at least thirty days. When irregular ballots have been voted the Inspector shall return all of such ballots in a properly secured sealed package, endorsed "irregular ballots," and indicating the precinct and county and file such package with the Clerk of the Circuit Court. It shall be preserved for six months after such election, and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of six months, unless ordered otherwise by the Court, such package and its contents may be destroyed. (R. S. 1908 and 1914, §7036; R. S. 1901, §6335d.)

309. Recording Roll.

14. A voting machine which possesses all of the qualities required by this Act may be supplied in addition, with a paper recording roll on which all the votes registered on the mechanical counters will be separately recorded on such roll. When a machine is supplied with such roll the same shall not be taken out or examined by the Election Board who makes the return from the precinct, but such machine shall be locked with such roll therein, and so remain for the period of at least thirty days unless within that time the machine be ordered opened and the roll taken out and examined by some court of competent jurisdiction. At the end of such thirty days such roll may be taken out unless otherwise ordered by a court of competent jurisdiction. (R. S. 1908 and 1914, §7037; R. S. 1901, §6335e.)

310. Custody of Keys.

14½. When the machine is locked at the close of an election in the manner required by this Act, the Inspector shall

place all keys of the machine on a strong and sufficient string of wire, label the same with the make and number of the machine and precinct at which used at such election, and return such keys to the Auditor of the county not later than ten o'clock a. m. of the Thursday following the election. The Auditor shall securely keep such keys and not permit the same to be taken, or any voting machine unlocked, for a period of thirty days from the election unless ordered otherwise by a court of competent jurisdiction. At the end of such thirty days he shall turn all keys over to the Board of Commissioners unless otherwise ordered by Court. (R. S. 1908 and 1914, §7038; R. S. 1901, §6335f.)

311. Laws Applicable.

15. All laws of this State applicable to elections where voting is done in other manner than by machines and all penalties prescribed for violation of such laws shall apply to elections and precincts where voting machines are used in so far as they are not in conflict with the provisions of this Act. (R. S. 1908 and 1914, §7039; R. S. 1901, §6335g.)

312. Officers—Neglect of Duty—Penalties.

16. Any public officer or any election officer upon whom any duty is imposed by this Act, or who shall wilfully omit or neglect to perform such duties, or do any act prohibited herein, for which punishment is not otherwise provided herein, shall, upon conviction, be imprisoned in the State prison for not less than one year or more than three years, or be fined in any sum not exceeding two thousand (\$2,000) dollars, or may be punished by both such imprisonment and fine. (R. S. 1908 and 1914, §7040; R. S. 1901, §6335h.)

313. Injuring Machine or Ballots.

17. Any person not being an election officer, who, during any election, or before any election, after a voting machine has had placed upon it the ballot label for such election, who shall tamper with such machine, disarrange, deface, injure or impair the same in any manner, or mutilate, injure or destroy any ballot label placed thereon, or to be placed thereon, or any other appliance used in connection with such machine, shall be deemed guilty of a felony,

and on conviction thereof shall be imprisoned in the State prison for a period of not less than two nor more than ten years. (R. S. 1908 and 1914, §7041; R. S. 1901, §6335i.)

314. False Affidavit.

18. Whoever shall knowingly or wilfully make a false affidavit, under any of the provisions of this Act, shall be deemed guilty of perjury. (R. S. 1908 and 1914, §7042; R. S. 1901, §6335j.)

315. Using Distinguishing Marks—Penalties.

19. Whoever shall induce or attempt to induce any elector to write, paste or otherwise place on an irregular ballot voted on a voting machine at any election, any name, sign or device of any kind as a distinguishing mark by which to indicate to another how such elector has voted; or shall enter into or attempt to form any agreement or conspiracy with any person to induce or attempt to induce electors, or any elector, to so place any distinguishing mark on such ballot; or who shall attempt to induce any elector to do anything with a view to enabling another person to see or know for what ticket or for what persons or any of them such elector votes on such machine; or who shall enter into or attempt to form any agreement or conspiracy to induce any elector to do anything for the purpose of enabling another person or persons to see or know for what ticket, person or persons such elector votes; or who shall attempt to induce any person to place himself in such position, or to do any other thing as will enable him to see or know for what ticket or candidates any elector other than himself votes on such machine; or who himself attempts to get in such position, or do any other thing, so that he will be enabled to see or know how any elector other than himself votes on such machine, shall be guilty of a felony, and on conviction imprisoned in the State prison not less than two nor more than five years. (R. S. 1908 and 1914, §7043; R. S. 1901, §6335k.)

316. Officers Tampering with Machine—Penalty.

20. Whoever, being an Inspector, Judge or Clerk of an election, with intent to cause or permit any voting ma-

chine to fail to correctly register all votes cast thereon, tampers with or disarranges such machine in any way, or any part or appliance thereof; or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register all votes cast thereon; or who, for the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear upon said machine that votes cast for one ticket, candidate or proposition, were cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot label on said machine or any part thereof, or does any other thing, shall be deemed guilty of a felony, and upon conviction imprisoned in the State prison not less than two years nor more than ten years, and disfranchised for any determinate period, to which may be added a fine of not exceeding one thousand (\$1,000) dollars. (R. S. 1908 and 1914, §7044; R. S. 1901, §6335l.)

317. False Returns—Penalty.

21. Any Inspector, Judge or Clerk of an election, who shall, at the close of the polls, purposely cause the vote registered on such machine to be incorrectly taken down as to any candidate or proposition voted on, or who shall, knowingly cause to be made or signed any false statement, certificate or return of any kind, of such vote; or who shall, knowingly consent to said things or any of them being done, shall be deemed guilty of a felony, and on conviction shall be imprisoned in the State prison not less than two years nor more than ten years, to which may be added a fine of not more than one thousand (\$1,000) dollars. (R. S. 1908 and 1914, §7045; R. S. 1901, §6335m.)

318. Cities and Towns May Use Machines.

22. The City Council and Board of Aldermen, where there is a Board, of any city in this State, and the Town Trustees of any town in this State, may, after voting machines have been adopted in the county by the Board of Commissioners, and are on hand, ready for use, by an ordi-

nance duly passed, adopt such machines for use at any election of such city or town, respectively; and if there are not sufficient machines on hand for every precinct of the city or town, they may provide in such ordinance in what precincts voting machines shall be used at such election and fix the boundaries of the precinct. The County Commissioners shall furnish to such city or town the requisite number of voting machines, together with all the furniture and appliances that go therewith, to be used in such precincts, but such town or city shall pay the expense of moving such machine and furniture to and from the polling places, and also for any damage or loss to such machines or furniture. The City Board of Election Commissioners shall discharge the duties required by this Act to be discharged by the County Board of Election Commissioners. And all of the provisions of this Act and penalties prescribed, shall apply to town and city elections and all officers thereof and connected therewith, and all proceedings and doings in preparing for and holding city or town elections at which such voting machines are used. (R. S. 1908 and 1914, §7046; R. S. 1901, §6335n.)

319. Experimental Use.

23. The Board of County Commissioners, the City Council, and Board of Aldermen, when there is such Board, and Trustees of a town authorized by this Act to adopt voting machines, may provide for the experimental use at an election in one or more precincts, of a machine approved by the Indiana Voting Machine Commission without a formal adoption or purchase thereof; and its use at such election shall be as valid for all purposes as if formally adopted. (R. S. 1908 and 1914, §7047; R. S. 1901, §6335o.)

320. Printing Ballots, When.

24. The Board of Election Commissioners shall cause to be printed ballots for all elections as now provided by law and to deliver a sufficient number thereof to the Clerk of each county, or in case of a city election then to the City Clerk, wherein voting machines have been adopted, so that in case any voting machine should get out of order or fail to work, the Clerk could furnish necessary ballots to each

precinct in which such voting machines so failing to work are located, in order that the election might go on. The Clerk of the county, town or city in which such voting machines are adopted, shall be at his office from 5 o'clock a. m. until 6 o'clock p. m. on all election days, and be ready at any time between such hours to deliver to any precincts in his county, town or city, necessary ballots together with election booths, ballot boxes, and all necessary paraphernalia as now required by law upon notice that any voting machine is out of order or fails to work: Provided, That if the number of voters in any precinct in which any such voting machine is placed shall exceed in number three hundred persons, then the Clerk shall furnish and send to the voting places in such precinct election booths with six stalls. (R. S. 1908 and 1914, §7048; R. S. 1901, 6335p.)

CHAPTER 6.

PRIMARY ELECTIONS.

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[1907, p. 627. Approved March 12, 1907.]

321. Primary Nominations—Application.

1. All political parties in the State, which cast at the last preceding general election ten per cent. or more of the total vote desiring to nominate candidates for county, city and township offices, including all nominations for judicial and legislative offices, when the same are to be elected exclusively from any such county, and shall (except special elections to fill vacancies) make such nominations in the manner prescribed by this Act; but this Act shall not apply to the selection of candidates for national, congressional, State or district offices, nor to the election of delegates to conventions for the nomination of national, State, district or town officers: Provided, however, That this Act shall be mandatory only in counties having within their limits cities having a population of thirty-six thousand or over according to the last preceding United States census, but shall be optional as to such political parties in all [other] counties of the State, which option shall be exercised by concurrent vote of the precinct committeemen of such political parties

as cast at least ten per cent. of the total vote at the last preceding general election in such county or city as the case may be, as hereinafter prescribed. (R. S. 1908 and 1914, §7055.)

[1909, p. 38. Approved February 20, 1909.]

322. Precinct Committees—Election.

2. That in and for each county and city in this State all political parties subject to or electing to avail themselves of the provisions of this Act, shall between the first day of January and the first day of March preceding the next general or city election to be held after the taking effect of this Act, elect precinct committeemen, who shall constitute the county or city central committee of such party. The chairman of the respective committees of all such political parties shall agree upon a day and designate the place for the election of precinct committeemen of such parties at least ten days prior to the election and all parties subject to the provisions of this Act shall elect precinct committeemen, who shall hold their offices until their successors shall have been elected or until their removal as hereinafter provided, and if they fail to agree, such election shall be held on the second Thursday in March at the place designated by the Board of County Commissioners as hereinafter provided. The Board of County Commissioners at their February meeting shall designate a place in each precinct where the election shall be held in case the chairmen fail to agree upon a place. When the day and the place of such election have been agreed upon the respective chairmen shall issue a call at least ten days prior to the date selected for such election: Provided, That in case no agreement shall be reached by the respective chairmen of the political parties as to the time and place of holding such election, then at least ten days before the second Thursday in March each such chairman shall issue a call for the election to be held at the place in the precinct designated by the Board of County Commissioners on said second Thursday in March. The call for such election shall designate the time and place of holding such election and it shall be made by publication in a daily newspaper of general circulation, if any there be

published in such county or city of the political faith of each of such parties; if not, then in some newspaper of general circulation. The respective chairmen shall appoint an Inspector and Clerk in each precinct of their respective political parties. All such Inspectors and Clerks shall be bona fide residents of such precincts for at least sixty days preceding such primary and be bona fide members of the party holding such election. All such Inspectors herein provided for shall qualify by taking the oath prescribed by the general election laws of this State for Inspectors at general elections as far as the same be applicable before some person authorized to administer oaths, and file the same with the County or City Clerk, as the case may be, and such Inspectors shall at the time of such primary immediately preceding the opening of the polls administer a similar oath to the Clerk of such precinct. The Inspector and Clerk shall constitute the Election Board for such precinct. All political parties subject to the provisions of this Act shall hold their primaries for the election of precinct committeemen on the same day. The chairman of each of the political parties holding such primary shall each select and provide a voting place in each precinct. No two political parties shall vote at the same place in any precinct when such election is held. The chairman of each political party shall furnish to the Election Board of his party in each precinct the necessary blanks, which are required to be furnished to Election Boards under the general election laws at general elections. Each candidate for precinct committeeman may choose a watcher for his precinct who shall have the right to be present and to examine the ballot boxes before the voting begins and to remain in the room through the time the voting and the count of the votes is in progress. The polls in all precincts situate in any city or town shall be open for the election of such precinct committeemen between the hours of four o'clock p. m. and eight o'clock p. m., and in all precincts outside of any city or town the polls shall be open between the hours of two o'clock p. m. and six o'clock p. m. All persons serving in any capacity in connection with the primaries for the election of precinct committeemen shall serve without compensation. (As amended, Acts 1909, p. 38. R. S. 1914, Sec. 7056:)

323. Ballots—Eligible Voters.

3. All elections for such committeemen shall be by ballot, on white book paper of the uniform width of two inches and length of three inches, upon which shall be written or printed the name of the person for whom the voter desires to vote and the number of the precinct and ward or township in which such ballot shall be cast. Each qualified voter of the precinct, who at the last preceding general election voted for a majority of the regularly nominated candidates of the party and affiliated with the party holding such election for such committeemen, shall be entitled to vote at such election. Any qualified legal voter in such precinct may challenge any voter or any person who shall offer to vote at such election and when so challenged, such person shall not be entitled to vote until he has made affidavit that he is a qualified legal voter of the precinct; that at the last preceding general election he affiliated with the party holding such election; that he voted for a majority of the regular nominees of such party at such election and that he intends to support and vote for the regular nominees of such party at the coming election: Provided, That any qualified legal voter who was under twenty-one years of age at the last preceding election shall be entitled to vote at the primary of the party with which he intends to affiliate and whose candidates he intends to vote for at the approaching election and that when such last named voter is challenged, he shall make affidavit that he is a qualified legal voter of the precinct. If any precinct committeeman is guilty of any misconduct or breach of fealty to his party which in the judgment of the county or central committee of the party to which such committeeman belongs renders him not fit for his duties as such committeeman, the chairman of such committee shall have full power to remove such a precinct committeeman, and in that event the chairman shall order another election of precinct committeeman in such precinct to fill the vacancy. (R. S. 1908 and 1914, §7057.)

324. Count of Ballots—Returns—Contest.

4. Immediately upon the close of the polls in the several precincts such Election Boards shall proceed to count the ballots, and any candidate for committeeman may,

either in person or by any accredited representative, witness such count. Upon the completion of such count, such Inspector shall immediately announce the result; such Election Board shall also prepare in triplicate, on blanks to be furnished by such county or city chairman, certificates of such result and such certificates shall be signed by both members of such Election Board. The Inspectors of the several precincts shall forthwith deliver to such county or city chairman one of such certificates; the Inspectors shall keep one copy and deliver one copy to the Clerk in each precinct. Should any candidate for precinct committeeman after the completion of the count and the announcement of the result of such election by the Inspector in such precinct as herein provided for, give written notice of his intention to contest the election of anyone shown to be elected on the face of the returns, such contestant shall immediately notify such Inspector in writing, and such Inspector shall place all the ballots cast in such precinct and the poll lists of voters in a bag to be furnished by the county or city chairman of his party, and securely seal such bag and transmit the same together with such written notice of contest, to such county or city chairman and take his receipt therefor, and within five days after the receipt of the certificate and notice of the contest and bag of ballots by the county or city chairman such contest shall be decided as hereinafter provided. (R. S. 1908 and 1914, §7058.)

325. Deciding Contests—Organization.

5. Within five days after such election of precinct committeemen such committeemen shall meet on call of the party chairman and a majority of the members elected shall constitute a quorum. At such meeting the then chairman of the county or city committee shall preside. If the election in any precinct has been contested and notice of such contest has been filed as hereinbefore provided, then the committeemen shall, before proceeding with any other business, resolve themselves into a committee of the whole and proceed to hear and determine such contests as have been filed. The contesting parties shall be entitled to be present, to be heard in person or by a representative and produce witnesses before such committee. After such contests have been heard and determined the precinct committeemen

shall elect a chairman, vice-chairman, secretary and treasurer, who shall constitute the central committee of the county or city, as the case may be, and such chairman may appoint such executive or advisory committees as he may see fit; and such chairman, vice-chairman, secretary and treasurer shall perform such duties as are now usually performed by officers of party organizations. (R. S. 1908 and 1914, §7059.)

326. Primary Date—Election Commissioners.

6. The Board of Primary Election Commissioners in counties where this Act is mandatory shall in all biennial elections fix the time of holding the primary elections for the nomination of all county, judicial, legislative and township candidates to be elected at such general elections exclusively by the voters of such county, and such time shall not be earlier than the first day of April, nor later than the first day of July of the year in which such general election is to be held, and in case of city elections, such City Board of Primary Election Commissioners shall fix the time of holding the primary for the nomination of candidates to be voted for at such city election, which primary shall be held on a day named not less than ten weeks prior to such election, and said commissioners shall give at least thirty days' notice of the time fixed for such primary election. In counties and cities where this Act is not mandatory and the precinct committeemen of the parties casting not less than ten per cent. of the total vote at the last preceding election shall at separate meetings of the committees to which said committeemen shall belong by a majority vote of each of said committees determine that they desire to avail themselves of the provisions of this Act, then the nominees of such parties shall be nominated at a primary election held under the provisions of this Act: Provided, That in counties and cities where this Act is optional, no primary shall be held hereunder if any one of said party committees shall not elect to avail itself of the provisions of this Act. Upon said committees electing to avail themselves of the provisions of this Act, the respective chairmen of said parties shall at once notify the Clerk of the Circuit Court, or the City Clerk, as the case may be, of the action

of said committees, and said Clerk shall within thirty days thereafter appoint Primary Election Commissioners as hereinafter provided for counties where this Act is mandatory, and said commissioners shall at once proceed to the discharge of their duties. Said committees shall exercise their election to avail themselves of this Act at meetings of said committees held on the call of the respective chairmen not earlier than the first day of April and not later than the first day of July. (R. S. 1908 and 1914, §7060.)

327. Candidates—Notice.

7. All eligible persons desiring to be candidates for any county, judicial, legislative, township and city offices of any party casting ten per cent. or more of the total vote of any county or city coming within the provisions of this Act, shall, at least five days before such primary, file with the Board of Primary Election Commissioners a written notice of such candidacy signed by such persons, and should twenty-five or more voters of a party whose candidates are to be nominated at such primary desire to have some eligible person of the party with which they are affiliated voted for at such primary who has not filed or is not willing to file such written notice with such Board, such twenty-five or more voters may petition the Board of Primary Election Commissioners to have the name of such person placed on the ballot of the party with which they are affiliated, with the other candidates filing such written notices. (R. S. 1908 and 1914, §7061.)

328. Withdrawal of Candidates.

8. Any person who shall file notice of his candidacy as before provided or on whose behalf there shall be filed a nominating petition for any office for which nominations are to be made at such primary, may at any time, within ten days of the day set for the holding of the primary election, notify in writing the officer with whom such notice or petition has been filed, that he is not a candidate and does not wish his name to appear on the official primary ballot as a candidate. Upon receipt of such notice in writing by such officer, he shall withdraw such notice or petition from the files and shall not certify the name of such

person as a candidate to be voted for at such primary election, and the name of such person shall not be permitted to appear on the official primary election ballot as a candidate. (R. S. 1908 and 1914, §7062.)

329. Notice of Election.

9. The County or City Clerks, as the case may be, shall at least twenty days prior to any primary election give notice of the time and place of holding primary elections under this Act; the hours during which the polls will be open and of the offices for which candidates are to be nominated; such notice shall be given by one publication in some newspaper of general circulation of his county or city, if any there be. (R. S. 1908 and 1914, §7063.)

330. Precincts—Voting Places.

10. Election precincts shall be the same for primary elections under this Act as for general and municipal elections under the laws of this State. Voting places shall be designated, and voting booths in sufficient numbers to accommodate the voters of each primary district shall be furnished and used in the same manner as now provided under the general election laws of this State. No primary election shall be held in a room in which spirituous, vinous, malt or other intoxicating liquors may be bought or drunk on the premises during said primary election. (R. S. 1908 and 1914, §7064.)

331. Election Officers.

11. In all primary elections the election officers in each precinct shall be one Inspector, two Judges and two Clerks. Such Inspectors, Judges and Clerks shall be appointed and shall take the oath and serve as provided by the laws governing general elections in this State. The Inspector and Judges shall constitute the Election Board of such precinct. (R. S. 1908 and 1914, §7065.)

332. Pay of Election Officers.

12. Each Inspector, Judge and Clerk of any primary election shall be allowed and paid two dollars for each day's service while attending to such election and perform-

ing the duties of his office: Provided, however, That if registration of electors be by law required and a registration day shall be held on the same day as a primary election, the Inspectors and Clerks appointed to serve as Inspectors and Clerks of registration shall also serve as Inspectors and Clerks of primary elections in their respective precincts, and shall be entitled to no additional pay for services as primary election officers. (R. S. 1908 and 1914, §7066.)

333. Primary Election Commissioners.

31. There shall be and is hereby created a Board of Primary Election Commissioners to be composed of the Clerk of the Circuit Court and two others to be appointed by him, one of whom shall be taken from each of the two political parties casting the highest number of votes at the last preceding general election, who shall be nominated in writing by the chairmen of said two parties respectively within thirty days after the election of such chairmen. Such Primary Election Commissioners shall hold office until after the nomination of candidates as hereinafter provided, and than such Commissioners shall act as Election Commissioners under the law governing general elections. Said Primary Election Commissioners may employ all necessary clerical assistance, and said Commissioners and the assistants employed by them shall be paid for their services in the same manner and amount as is now provided for by law as Election Commissioners. It shall be the duty of such Board to prepare and distribute separate primary ballots, and also separate township ballots for the several townships of the county for each political party participating in such primary, equal to twice the number of votes cast by such political party in each precinct at the last preceding general election. The ballots shall be of uniform size and of the same quality of paper as is used in ballots at general elections. The ballots so furnished shall be of a different color for each political party holding such primary election, and no two political parties shall be furnished or use ballots of the same color. The county and township ballots of each party shall be of the same color. All the names of candidates representing one political party shall be placed on one ticket, and the name of such political

party and the designation as to whether a county or township ballot shall be placed at the top thereof. All the names of the candidates for each office who have qualified as provided in this act shall be grouped together under the name of such office. The names of the candidates in each group shall be alternated in regular sequence by the printer, so that as nearly as possible an equal number of ballots shall be printed with each candidate's name at the head of the group. There shall be printed at the head of each group where only one candidate in such group is to be voted for, the words "Vote for one." Where more than one candidate in any group is to be voted for, the number to be voted for shall be specified at the head of each group. Substantially the following form shall be used in printing primary election ballots:

OFFICIAL PRIMARY BALLOT.	
.....County or Township. (Name of Political Party.)	
Name of Office. Vote For	
_____	Name of Candidate.
_____	Name of Candidate.
_____	Name of Candidate.
_____	Name of Candidate.
_____	Name of Candidate.

(R. S. 1908 and 1914, §7067.)

334. County Commissioners—Ballot Boxes.

14. The Board of County Commissioners of each county shall provide, at the expense of the county, ballot boxes, painted different colors, one box for each political party participating in such primary, for the reception of the ballots prepared by the county or city Board of Primary Election Commissioners for each precinct; each ballot

box shall have locks of different kinds, so that the key of one will not unlock the other, and be otherwise constructed so as to contribute toward prevention of fraud. If possible the County Commissioners shall use the same ballot boxes at primary elections as are used at general elections. (R. S. 1908 and 1914, §7068.)

335. Place of Voting—Notice.

15. Such Board of Primary Election Commissioners shall give fifteen days' notice of the place of voting in the several primary precincts, by one or more publications in some daily newspaper or newspapers, and if it should be necessary to change the place of holding said primary after the giving of such notice, then notice shall be given by like publication, of such change, but no change shall be made within two days of the holding of such primary. The provisions of the general election laws now or hereafter in force relating to the right of any employe to have sufficient time to attend the polls and vote shall apply to a primary election held under this Act. (R. S. 1908 and 1914, §7069.)

336. Sheriff—Deputies.

16. If requested so to do by the Board of Primary Election Commissioners, the Sheriff of the county, three or more days prior to each county primary election, shall appoint one special deputy as Election Sheriff to serve in such precincts as may be designated by the Board of Primary Election Commissioners. The duties of such Election Sheriffs shall be the same as those of Election Sheriffs appointed at general elections. (R. S. 1908 and 1914, §7070.)

337. Challengers.

17. Each party whose candidates are to be nominated at any primary election shall be allowed not more than two challengers to be appointed and designated by each party. No person other than the election officers and challengers shall be permitted within fifty feet of the polling place, except for the purpose of offering his vote and voting. The voters shall approach and enter the polling place in the order in which they appear for the purpose of voting. (R. S. 1908 and 1914, Sec. 7071.)

shall announce his name and residence by number and name of street or other location to the Poll Clerks, who shall record it. If registration of electors be required by law, then the voter shall give the information required of him under the law if he desires to vote either at such primary election or the coming election. The voter shall announce to the Clerks his name and with which of the political parties he is affiliated, and the Judge of the party to which such voter declares his affiliation, if there be a Judge of such party, and if not, then the Judge of the party opposed to the party to which the Inspector shall belong, shall deliver to him the ballot or ballots of the party with which the voter has announced his affiliation, and none other, and the other Judge shall thereupon deliver to him a blue pencil and either Judge, on request, shall give explanation of the manner of voting. If deemed necessary by any member of the Board an interpreter may be called. The voter shall then and without leaving the room, go alone into any one of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by making a cross thus, **X**, on the squares immediately preceding the names of the various candidates in each group for whom he desires to vote, and not elsewhere. No voter shall be permitted to occupy a booth longer than five minutes. A mark on the ballot in violation of this provision shall be treated as a distinguishing mark. Before leaving the booth or compartment the voter shall fold his ballots separately so that no part of the faces thereof shall be exposed, and so that the initials of the Poll Clerks shall be exposed, and on leaving the booth or compartment, shall return the pencil to the Poll Clerk and deliver the ballot to the Inspector, who shall forthwith, in the presence of the voter and of the Election Board, deposit the same in the box designated to receive the ballots of the party with which the voter has affiliated, and the Poll Clerk shall write the word "Voted" after the name of the voter on the poll lists: Provided, however, That if an elector shall show his ballot or any part thereof to any person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. If a voter shall

offer to vote a ballot so folded as not to disclose the initials of the Poll Clerks and also not disclosing the face of the ballot the Election Board shall direct him to return to the booth and fold his ballot properly. Any person who shall by mistake or accident spoil, deface or mutilate his ballot may, on returning the same to the Poll Clerks and satisfying the Board that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such Clerk shall make a minute of the fact on the poll list at the time and the mutilated ballot shall then be destroyed by the elector in the presence of the Board. Any person desiring to vote for a person or persons other than the person or persons whose names are printed on said ballots shall have the right to do so by writing or by inserting a paster containing the name of the person for whom he desires to vote in the space on the ballot set apart for the names of the candidates for such office as he may desire such person so voted for to be nominated. It shall be unlawful for any person to advise, counsel or electioneer, or direct the voter for whom to vote or not to vote, or to overlook the voter while preparing his ballot in the voting place, or for the voter to announce before voting for what candidate he is or is not voting. After voting the voter shall leave the room, but no voter to whom a ballot and pencil, or either, have been delivered, shall be permitted to leave the room without voting the ballot or returning it to the Poll Clerk, or without returning the pencil to the Poll Clerk from whom he received it. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession. And any voter who shall attempt to leave the room with a ballot or such pencil in his possession shall be at once arrested on demand of any member of the Election Board. Any person guilty of advising, counseling, directing or electioneering or overlooking a voter when preparing his ballot shall be guilty of a misdemeanor and on conviction shall be fined not more than one hundred dollars (\$100.00), to which may be added imprisonment in the county jail or workhouse not exceeding six (6) months. No person shall be entitled to vote at any primary unless a qualified voter of the precinct and duly registered therein, if registration be required by law. (R. S. 1908 and 1914, §7077.)

shall announce his name and residence by number and name of street or other location to the Poll Clerks, who shall record it. If registration of electors be required by law, then the voter shall give the information required of him under the law if he desires to vote either at such primary election or the coming election. The voter shall announce to the Clerks his name and with which of the political parties he is affiliated, and the Judge of the party to which such voter declares his affiliation, if there be a Judge of such party, and if not, then the Judge of the party opposed to the party to which the Inspector shall belong, shall deliver to him the ballot or ballots of the party with which the voter has announced his affiliation, and none other, and the other Judge shall thereupon deliver to him a blue pencil and either Judge, on request, shall give explanation of the manner of voting. If deemed necessary by any member of the Board an interpreter may be called. The voter shall then and without leaving the room, go alone into any one of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by making a cross thus, **X**, on the squares immediately preceding the names of the various candidates in each group for whom he desires to vote, and not elsewhere. No voter shall be permitted to occupy a booth longer than five minutes. A mark on the ballot in violation of this provision shall be treated as a distinguishing mark. Before leaving the booth or compartment the voter shall fold his ballots separately so that no part of the faces thereof shall be exposed, and so that the initials of the Poll Clerks shall be exposed, and on leaving the booth or compartment, shall return the pencil to the Poll Clerk and deliver the ballot to the Inspector, who shall forthwith, in the presence of the voter and of the Election Board, deposit the same in the box designated to receive the ballots of the party with which the voter has affiliated, and the Poll Clerk shall write the word "Voted" after the name of the voter on the poll lists: Provided, however, That if an elector shall show his ballot or any part thereof to any person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. If a voter shall

offer to vote a ballot so folded as not to disclose the initials of the Poll Clerks and also not disclosing the face of the ballot the Election Board shall direct him to return to the booth and fold his ballot properly. Any person who shall by mistake or accident spoil, deface or mutilate his ballot may, on returning the same to the Poll Clerks and satisfying the Board that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such Clerk shall make a minute of the fact on the poll list at the time and the mutilated ballot shall then be destroyed by the elector in the presence of the Board. Any person desiring to vote for a person or persons other than the person or persons whose names are printed on said ballots shall have the right to do so by writing or by inserting a paster containing the name of the person for whom he desires to vote in the space on the ballot set apart for the names of the candidates for such office as he may desire such person so voted for to be nominated. It shall be unlawful for any person to advise, counsel or electioneer, or direct the voter for whom to vote or not to vote, or to overlook the voter while preparing his ballot in the voting place, or for the voter to announce before voting for what candidate he is or is not voting. After voting the voter shall leave the room, but no voter to whom a ballot and pencil, or either, have been delivered, shall be permitted to leave the room without voting the ballot or returning it to the Poll Clerk, or without returning the pencil to the Poll Clerk from whom he received it. It shall be unlawful for any voter to attempt to leave the room with a ballot or the pencil used in marking ballots in his possession. And any voter who shall attempt to leave the room with a ballot or such pencil in his possession shall be at once arrested on demand of any member of the Election Board. Any person guilty of advising, counseling, directing or electioneering or overlooking a voter when preparing his ballot shall be guilty of a misdemeanor and on conviction shall be fined not more than one hundred dollars (\$100.00), to which may be added imprisonment in the county jail or workhouse not exceeding six (6) months. No person shall be entitled to vote at any primary unless a qualified voter of the precinct and duly registered therein, if registration be required by law. (R. S. 1908 and 1914, §7077.)

344. Illiterate or Disabled Voter.

24. Any illiterate voter who is unable to mark his ballot, or any person who because of physical disability is unable to mark his ballot may declare his choice of candidates to the Poll Clerk of the party for whose candidates he intends to vote, who shall in the presence of the Judge of such party prepare a ballot for voting in the manner hereinbefore provided and read the same to the elector as marked: Provided, That before such Clerk shall so prepare such ballot such voter shall make affidavit in writing that he is unable to read the English language, or that by reason of physical disability, setting out in such affidavit the particulars in which such disability exists, he is unable to mark his ballot. Anyone making false declarations under the provisions of this section shall upon conviction be fined in any sum not exceeding five dollars, and be disfranchised for a period of five years, and any Clerk who shall deceive any elector in reading or marking any ballot or marking the same in any other way than as requested by such elector, shall be guilty of a felony and upon conviction shall be imprisoned in the State's prison or reformatory for not less than two (2) nor more than five (5) years, and be disfranchised for any determinate period not less than five (5) years. (R. S. 1908 and 1914, §7078.)

345. Challenge—Affidavit.

25. A challenger of any political party at a precinct or any member of the Election Board may challenge any person offering to vote at a primary on the ground that he is not a legal voter of the precinct. Any qualified voter of a precinct who has voted or intends to vote in such precinct upon the ballot of any political party may challenge any other person offering to vote, in such precinct at such primary, upon the ballot of the same political party, on the ground that such person is not an adherent to that party. If so challenged on the ground that he is not a legal voter such person shall not be entitled to vote unless he makes affidavit or affirmation, in writing, that he is a citizen in conformity with the laws of this State, that he is at the time of such primary a bona fide resident of the precinct in which he offers to vote and has been a resident continually for

thirty days last past; that if he continues to reside in said precinct till the day of, 19.., the day of the election for which nominations are being made at such primary, he will then have resided thirty days in said precinct and sixty days in the township or ward in which it is situate; will be more than twenty-one years of age to the best of his information and belief, will have been a bona fide resident of the State for more than six months immediately preceding such election; that he is generally known by the name by which he desires to vote, stating the name; that he has not voted and will not vote at any other precinct at such primary; stating his occupation and specifically where he resides and where he has resided for the period falling within six months prior to the ensuing said election, with the date of any removal during that time, and giving the names of two persons who have personal knowledge of his residence in the precinct and ward or township for the time stated by him. If he makes such affidavit he shall be allowed to vote as against such challenge, unless the challenger or some qualified voter of the precinct make affidavit in writing that he knows or is informed and verily believes that the person offering to vote is not a legal voter in the precinct at such primary, and if the affidavit be on information and belief he shall set forth the names of the person or persons from whom such information was obtained, and the person offering to vote shall not thereafter be allowed to vote, except one qualified voter of the precinct, who has been a freeholder and resident householder therein for at least one year, or a resident householder for at least two years next preceding such primary, shall make affidavit or affirmation in writing that of his personal knowledge such person offering to vote is a legal voter of said precinct at such primary. Upon such affidavit being made, he shall be allowed to vote. If challenged on the ground that he is not an adherent to the party upon whose ballot he intends to vote, such person shall not be entitled to vote unless he make an affidavit to the effect that he voted at the last preceding election for a majority of the candidates of the party upon whose ballot he intends to vote at such primary, or if he did not vote at the last preceding election, then at the last election at which he voted, and that such voter so challenged intends at the election for which the

candidates nominated at such primary are to be voted for, to vote for the candidates nominated by such party at such primary, which affidavit, with the blanks filled to meet the facts may be in the following form:

State of Indiana,.....:

I,....., being duly sworn upon my oath, say that I supported a majority of the candidates on the ticket at the last election at which I voted, and will support a majority of the candidates of that party at the next election.

.....
Subscribed and sworn to this day of, 19...

Upon such affidavit being made he shall be allowed to vote. (R. S. 1908 and 1914, §7079.)

346. Count—Unvoted Ballots.

26. Immediately on closing the polls the Board shall count all the ballots remaining unvoted, record the number of the same on the tally sheets and destroy all such ballots by totally consumed [consuming] by fire. (R. S. 1908 and 1914, §7080.)

347. Canvass—Watchers—Protested Ballots.

27. The Election Board shall, before beginning to canvass the votes cast, decide which political party's vote shall first be canvassed, and upon so deciding the Board shall begin with the votes of such party by laying each ballot upon the table in the order which it is taken from the ballot box. Each party whose candidates are to be nominated at such primary may appoint watchers to witness the count of the votes as now provided for by laws governing general elections. The Inspector and the Judge of Election differing in politics from the Inspector, shall view the ballots as the names of the persons voted for are read therefrom. In the canvass of the vote any member of the Election Board may protest as to the counting of any ballot, or any part thereof, and any ballot which is not indorsed with the initials of the Clerks, as provided by law, and any ballot which shall bear any distinguishing mark or mutilation shall be void and shall not be counted, and any ballot or

part of ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate affected thereby; and all such ballots, together with all protested, disputed or uncounted ballots, shall be preserved by the Inspector and at the close of the count placed, with the seals of the packages of the ballots of the party whose vote is being counted, in paper bags securely sealed and delivered to the Election Commissioners of the county or city, as provided for by law at general elections, with the number of ballots so placed in such bags endorsed thereon. The Clerks shall also record on the tally sheets memoranda of such ballots and the condition of the seal of the ballot packages, and in any contest of nomination such ballots and seals may be submitted in evidence. And before said ballots are placed in the bags as aforesaid, one of the Clerks shall endorse on the back of each disputed or protested ballot the word "counted" or "not counted," as the case may be, and said endorsements shall be attested by both of the Clerks. On completing the count and recording the same on the tally sheets, all the remaining ballots, except those marked, mutilated or otherwise defective or required to be preserved as in this section hereinbefore provided, shall be destroyed by the Election Board by totally consuming by fire, and thereupon the Election Board shall immediately make a memorandum of the total vote cast for each candidate and deliver a copy thereof to each member of the Board. After fully completing the canvass of the ballots of the one political party the Election Board shall proceed to canvass in turn the votes of all other political parties participating in such primary. No person other than election officers, watchers and Election Sheriffs shall be permitted in the room during the canvass of the votes. (R. S. 1908 and 1914, §7081.)

348. Board of Canvassers—Duties.

28. The Boards of Canvassers, as constituted and provided for by the election laws of the State, shall constitute and be the Board of Canvassers for primary elections, and all the provisions of election laws relating to the duties of such Boards of Canvassers relating to the canvass of the return of a general election, except as otherwise herein pro-

vided, shall, as far as applicable, apply to the canvass, return and certification of the result of such primary: Provided, That in case of a tie vote for any candidate the tie shall forthwith be determined by lot by the Board of Canvassers. (R. S. 1908 and 1914, §7082.)

349. Expenses—How Paid.

29. All ballots, blanks and other supplies to be used at any primary and all expenses necessarily incurred in the preparation for, or conducting such primary shall be paid out of the city, county or State treasury, as the case may be, in the same manner, with like effect and by the same officers as in case of general elections. (R. S. 1908 and 1914, §7083.)

350. City Officers—Provisions for Primary.

30. Every primary for the nomination of candidates for city offices, held under the provisions of this Act, shall be held in accordance with and governed by the provisions of this Act the same as county primaries, except that the duties herein required to be performed by the Clerk of the Circuit Court and the County Auditor shall be performed by the Clerk of the city. The duties herein required by the County Board of Elections shall be performed by the City Board of Elections. The duties herein required by the Board of County Commissioners shall be performed by the City Council. The duties of the County Sheriff shall be performed by the Chief of Police or the chief police officer of the city by whatever name. All the rights and powers given to chairmen of County Central Committees in connection with county primaries shall be exercised by the chairmen of the City Central Committees providing that [if] in any case there should be no chairman of a City Central Committee of any party, then said right and powers shall be exercised by the chairman of the County Central Committee. City officers shall perform the duties herein prescribed, subject to the same penalties that apply to county officers in whose stead they act at city primaries. (R. S. 1908 and 1914, §7084.)

351. Notices by Publication.

31. Every publication required in this act shall be made in two newspapers of general circulation in such county, city or town. One of such newspapers shall represent the political party that cast the largest vote in such county or city at the preceding general election, and one of such papers shall represent the political party that cast the next largest vote in such county or city at the preceding election. In any case where the publication of a notice can not be made as hereinbefore required, it may be made in any paper having a general circulation in the county or city in which the notice is required to be published. (R. S. 1908 and 1914, §7085.)

352. Powers of Inspectors.

32. The Inspectors of such primary election are hereby authorized and empowered to administer all oaths required in carrying out the provisions of this Act except as herein otherwise provided for. (R. S. 1908 and 1914, §7086.)

353. Vacancies—How Filled.

33. In case any candidate nominated under the provisions of this Act shall die, resign or for any reason become ineligible, the County, Township or City Committee, as the case may be, shall fill such vacancy upon the call of the chairman of such committee, and the name or names of the person or persons so nominated shall be certified to the Board of Primary Election Commissioners by the chairman of such committee with the attest of the secretary of such committee. (R. S. 1908 and 1914, §7087.)

354. Computation of Time.

34. In the computation of time hereunder the first day shall not be counted, the last shall be counted, and Sundays and holidays shall be counted. (R. S. 1908 and 1914, §7088.)

355. Illegal Voting—Penalty.

35. Whoever, not having the legal qualifications of a voter at any primary election authorized by law to be held

in this State, votes, or offers to vote, at such primary election, shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned in the county jail not more than one year nor less than one month, or both, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §7089.)

356. Voting in Wrong Place—Penalty.

36. Whoever knowingly votes or offers to vote at a primary election in any precinct or ward except the one in which he resides shall be fined not more than one hundred dollars nor less than ten dollars, or imprisoned in the county jail not more than one year nor less than one month, or both, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period. (R. S. 1908 and 1914, §7090.)

357. Voting More Than Once—Penalty.

37. Whoever votes more than once at any primary election in this State, either at the same precinct or ward or at different precincts or wards, shall be fined not more than five hundred dollars nor less than ten dollars, imprisoned in the State prison not more than two years nor less than one year, and disfranchised and rendered incapable of holding any office or trust or profit for any determinate period. (R. S. 1908 and 1914, §7091.)

258. Printing of Ballots—Penalty.

38. If the printer of ballots for any primary election, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken, any of said ballots by any person other than a member of the Board of Primary Election Commissioners or cause or permit to be printed any ballot in any other form than the one prescribed by this Act, or with other names thereon, or with the names spelled or the names or devices thereon arranged any other way than that authorized and directed by the said Board of Primary Election Commissioners, he shall be guilty of felony, and on conviction thereof shall be imprisoned in the

State penitentiary not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7092.)

359. Election Commissioners—Penalty.

39. If any member of the Board of Primary Election Commissioners shall give or deliver to any other person any of the ballots therefor, or shall permit any of them to be taken away, except as herein provided, he or they shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State penitentiary for not less than one nor more than five years and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7093.)

360. Custodian of Ballots—Penalty.

40. If any person shall take or remove in any manner feloniously or with the consent or permission of the custodian for the time, from any place where they may lawfully be under this Act, any of such ballots or pencils (except as an official or custodian under this Act, or while within the polling place for the purpose of voting); or if any such custodian or official shall consent to, or permit, any of such ballots or pencils to be removed or carried away from the place where they may lawfully be, by any person, except an official or custodian under this act, whose duty it is to receive the same, such person, custodian or official shall be deemed guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7094.)

361. Inspector—Failure to Appear—Penalty.

41. Any Inspector who shall wilfully or negligently fail to appear at the proper Clerk's office, in person or by representative, not less than one day nor more than three, as herein provided, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than one hundred dollars, and shall thereafter be incompetent to serve as an Inspector. (R. S. 1908 and 1914, §7095.)

362. Illegal Voting—Affidavit—Arrest.

42. If at any time during a primary election any qualified elector shall make affidavit before the Inspector that any person who has voted is an illegal voter in such precinct, the person accused shall at once be arrested by the Election Sheriff or other peace officers and by them delivered to the civil authorities. Immediately after the close of the election the Inspector shall deliver such affidavit to some Justice of the Peace in the township, who shall proceed thereon as if the affidavit had been made before him. (R. S. 1908 and 1914, §7096.)

363. False Affidavit—Perjury.

43. Whoever shall knowingly or wilfully make a false affidavit under any of the provisions of this Act, shall be deemed guilty of perjury. (R. S. 1908 and 1914, §7097.)

364. Inspector, Clerk or Person—Ballots—Penalty.

44. No Inspector of primary elections, or Clerk acting for an Inspector, shall deposit any ballot upon which the initials of the Poll Clerks, as hereinbefore provided for, does not appear, or any ballot on which appear externally any distinguishing mark, defacement or mutilation. If any Inspector, Clerk or other person intrusted with the custody or control of any ballot or ballots, either before or after they have been voted, shall in any way mark, mutilate or deface any ballot or place any distinguishing mark thereon, either for the purpose of identifying the same (except by numbering protested ballots for future reference), or for the purpose of vitiating the same, he shall be guilty of a felony, and on conviction shall be imprisoned in the State's prison not more than five nor less than one year and fined in any sum not exceeding one thousand dollars. (R. S. 1908 and 1914, §7098.)

365. Opening or Loss of Ballots—Penalty.

45. Any Clerk, Inspector or other messenger intrusted with the custody of the ballots who shall open any of the packages in which the ballots are contained, or permit them to be destroyed, or give or deliver any such packages or ballots to any person not lawfully entitled to receive them,

as herein provided; or conspire to procure, or in any way aid, abet or connive at any robbery, loss or destruction of any such ballots or packages, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State prison for not less than three nor more than ten years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7099.)

366. Conspiring to Distinguish Ballot—Penalty.

46. If any person shall induce or attempt to induce any voter at a primary election to write, paste, or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce voters, or any voter, to so place any distinguishing name or mark on his ballot, whether or not said act be committed, or attempted to be committed, such person so offending shall be guilty of a felony, and on conviction, be imprisoned not more than five nor less than one year in the State's prison. (R. S. 1908 and 1914, §7100.)

367. Prevention of Votes—Penalty.

47. If any person shall, directly or indirectly, give, offer or promise to give, to any elector, any money, property or other thing of value, for the purpose [of] preventing, influencing, inducing or procuring such elector to refrain from voting or to remain away from the polls at any primary election, such person so offending shall be guilty of felony, and, on conviction, be imprisoned not more than five years nor less than six months and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7101.)

368. Purchase of Votes—Penalty.

48. If any person shall give or offer to give, directly or indirectly, any money, property or other thing of value to any elector to influence his vote at a primary election; or if any person shall, at such election, solicit, furnish or receive any money or other means for such purpose, or shall

aid, advise, counsel or suggest to any person, or to persons generally, to use or procure any money or other means to be used to induce, hire or buy any person or persons to vote or refrain from voting for any candidate or candidates or to remain away from the polls at any primary election, whether or not any such person shall act upon any such counsel, advice or suggestion, such person so offending shall be guilty of felony, and, on conviction, be imprisoned for not more than five years not less than six months and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7102.)

369. Immunity for Witnesses.

49. If any person who has been guilty of giving money or other thing of value to another or others for the purpose of influencing his or their vote at a primary election, or use in influencing the vote of another shall inform upon and testify against the person or persons receiving the money in a prosecution therefor, the person so informing and testifying shall not be thereafter prosecuted for his guilt or connection with the transaction; and if any person who has received money or other thing of value from another or others for the purpose of influencing his vote at any primary election, or for the purpose of being used to influence the vote of others, shall inform upon or testify against the person or persons from whom he received the same, in a prosecution for such giving, such person so informing and testifying shall not be thereafter prosecuted for his guilt in connection with the transaction. (R. S. 1908 and 1914, §7103.)

370. Revealing Vote—Penalty.

50. If any person, being a member of a Primary Election Board or otherwise entitled to the inspection of the ballots, shall reveal to any other person how any elector has voted, or give any information concerning the appearance of any ballot voted, such person so offending shall be guilty of a felony, and, on conviction, shall be imprisoned not less than six months nor more than five years in the State prison, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7104.)

371. Influencing Board—Penalty.

51. If any person shall induce, or attempt to induce, any member of a Primary Election Board to violate any of the provisions of the preceding section, whether or not such member of the Election Board shall violate or attempt to violate any of the provisions of this Act, such person so offending shall be guilty of felony, and on conviction, shall be imprisoned in the State prison not less than one year, nor more than five years, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7105.)

372. Unlawful Acts—Secrecy of Ballot—Penalties.

52. Any person who shall, during a primary election, remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall, during a primary election, remove, tear down or deface the cards printed for the instruction of the voters, or shall during a primary election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts, whether or not any of such acts are committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year and be disfranchised for any determinate period not less than ten years. No officer of a primary election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of a primary election shall do any electioneering on election day. No person whatever shall do any electioneering on primary election day within any polling place, or within fifty feet of any polling place. No person shall apply for or receive any ballot in any polling place other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate or candidates for whom he has marked his vote; nor shall any person examine a ballot which any person has presented for voting or solicit the voter to show the same. No person, except the Inspector of a primary election or the

Clerk who may be temporarily acting for him, shall receive from any voter a ballot prepared by him for voting. No voter shall receive a ballot from any person other than one of the Poll Clerks; nor shall any person other than the Poll Clerk deliver a ballot to an elector to be voted. No voter shall deliver any ballot to an Inspector to be voted except the one he receives from the Poll Clerk. No voter shall place any mark upon his ballot or suffer or permit any other person to do so by which it may be afterwards identified as the one voted by him. Whoever shall violate any provision of this section shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment for not less than six months nor more than one year, or by fine of not less than one hundred dollars nor more than five hundred dollars, or both, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7106.)

373. Public Officers—Duties—Penalties.

53. Any public officer, upon whom any duty is imposed by this Act, who shall wilfully neglect or omit to perform such duties, or do any act prohibited therein, for which punishment is not otherwise herein provided, shall be deemed guilty of a felony, and, on conviction, shall be punished by imprisonment in the State prison for not less than three months nor more than three years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and be disfranchised for any determinate period not less than ten years. (R. S. 1908 and 1914, §7107.)

374. Affidavits—Delivery and Investigation.

54. All affidavits provided in this Act to be used on the day of election at the several polling places shall, at the close of the count, be placed in a strong paper bag, or envelope, by the Primary Election Board, and securely sealed by them, each member endorsing his name on the back of such bag or envelope. Such bag or envelope shall be delivered within three days after the election by the Inspector to the Clerk of the Circuit Court of the county, whose duty it shall be to carefully preserve the same, and deliver it, with

the seal unbroken, to the foreman of the grand jury when next in session. It shall be the duty of such grand jury to inquire into the truth or falsity of such affidavits. (R. S. 1908 and 1914, §7108.)

375. Voting Machines—Use.

55. If in any county or city voting machines shall have been adopted under the laws of this State, and shall be on hand for use at the general city election, such machines may, by the order of County Commissioners, or ordinance of the City Council, be adopted for use at primary elections in such county or city and used. When so adopted all provisions of the laws of this State providing for or applying for their use at elections not inconsistent with the provisions of this Act, and all provisions of this Act as far as applicable, shall apply to the use of such voting machines at such primary elections. (R. S. 1908 and 1914, §7109.)

376. Manner of Machine Voting.

56. In any county or city where voting machines are used in any precinct at any primary election, the Inspector of such election in such precinct, before permitting any voter to register his vote upon such machine and after ascertaining with which party such voter affiliates, shall set or cause the voting machine to be set so that the voter can only vote for the candidates of the party with which he has announced his affiliation and no other, and after the machine is so set the voter shall be permitted to register his vote upon the machine. (R. S. 1908 and 1914, §7110.)

377. General Statutes—Application.

57. The provisions of the statutes now in force in relation to the holding of elections shall apply to all primaries in so far as they are consistent with this Act, the intent of this Act being to place the primary under the regulation and protection of laws now in force as to elections. (R. S. 1908 and 1914, §7111.)

CHAPTER 7.

SCHOOL COMMISSIONERS.

SEC.

378. Board of School Commissioners.

379. Qualifications of members.

SEC.

380. Term of office—Nominations.

381. Organization of first Board.

[1899, p. 434. Approved and in force March 4, 1899.]

378. Board of School Commissioners.

1. The government of common schools in cities of one hundred thousand or more inhabitants, according to the last United States census, shall be vested in a Board of School Commissioners, which shall consist of five School Commissioners. The said Board of School Commissioners shall have and exercise all the powers now conferred by an Act of the General Assembly of this State, approved March 3, 1871, entitled "An Act providing for a general system of common schools in all cities of thirty thousand or more inhabitants, and for the election of a Board of School Commissioners for such cities and defining their duties and prescribing their powers, and providing for common school libraries within such cities," and all acts amendatory thereof and supplemental thereto; and also all powers now conferred by law on Boards of School Commissioners in cities of thirty thousand or more inhabitants, according to the United States census of 1870, as well as the powers now conferred by law on Boards of School Commissioners in cities of one hundred thousand or more inhabitants, except as otherwise herein provided. And said Board of School Commissioners provided for by this Act shall assume, pay and be liable for all the indebtedness and liabilities of Boards of School Commissioners heretofore elected under the above described acts. (R. S. 1908 and 1914, §6515; R. S. 1901, §3904x.)

379. Qualifications of Members.

2. The members of such Board of School Commissioners shall be at least twenty-five years of age, residents of the city, and shall have been such residents for at least three years immediately preceding their election. They shall be ineligible to any elective or appointive office under

such Board of School Commissioners and under the government of such city while holding membership in said Board. They shall not be interested in any contract with or claim against the school city in which they are elected, either directly or indirectly. If at any time after the election of any member of said Board he shall become interested in any such contract with or claim against said school city, he shall thereupon be disqualified to continue as a member of said Board, and a vacancy shall thereby be created. Every member of said Board shall, before assuming the duties of his office, take an oath before some one qualified to administer oaths that he possesses all of the qualifications required by this Act, that he will honestly and faithfully discharge the duties of his office, that he will not, while serving as a member of such Board, become interested, directly or indirectly, in any contract with or claim against said school city, and that he will not be influenced during his term of office by any consideration of politics or religion or anything except that of merit and fitness in the appointment of officers and the engagement of employes. No compensation shall be received by members of the Board, but they shall be exempt from jury duty during their term of office. (R. S. 1908 and 1914, §6516; R. S. 1901, §3904y.)

[Acts 1903, p. 5. Approved January 29, 1903.]

380. Term of Office—Nominations.

3. The said Board of School Commissioners shall be elected, except as specified in Sec. 4 of this act, on a general ticket for the term of four years, by the voters of such city qualified to vote at its city elections. The members of such Board shall be elected at the regular city election of such civil city, and shall be taken from the city at large without reference to districts, and such elections shall be held under the provisions of the general laws governing such city elections, so far as they are not inconsistent with the provisions of this Act. The expense of such election, except that of printing the ballots, shall be borne by the civil city. Not later than forty days before any election for members of the Board of School Commissioners, provided for in this Act, householders of said city may present names of candidates for election as members of said Board of

School Commissioners by filing the nominations in the office of the Comptroller of said city in the manner following: Each candidate shall be proposed in writing by not fewer than three hundred householders of said city. No more than one candidate may be named in any one petition and no person may sign more than one petition for any one election. Upon the filing of such petitions in the office of the Comptroller, as aforesaid, the Comptroller shall place the same in the public files of his office and for five days, the last of which shall be not less than thirty days before the election, he shall publish the names proposed in two daily newspapers of the city, and at the time required by law shall certify such nominations to the regular Board of Election Commissioners for said city election. Any one thus nominated may withdraw his nomination by a written declination filed with the Comptroller before the certification of the same as aforesaid. The Comptroller shall not certify or publish the name of any candidate who shall appear to be ineligible under the provisions of Section 2 of this Act. The Election Commissioners shall prepare ballots the color and quality of whose paper shall be the same as that of the regular city ballots. The ballots so prepared shall contain the names of all such candidates arranged in alphabetical order in columns according to the following method: The names of candidates for each term shall be printed in a separate column, those for the regular term in the first column and those to fill vacancies in the second column, and such names shall be printed upon the ballots in rotation in such manner, as nearly as possible, that the name of each candidate shall appear at the head of the column for his term, whether the regular or the vacancy term, as often as that of any other such candidate shall so appear, and in the second place a like number of times, and so on. In printing the ballots the positions of the several names shall be changed as many times as there are candidates to be voted for. In changing the position, the printer shall take the name at the head of the column and put it at the foot, raising the remainder of the column so that the name that was second before the change shall be first after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and then gathered by taking one from each pile and placing it upon the pile to be

blocked in such a way that every block of one hundred ballots (and all ballots shall be sent out in blocks of one hundred each) shall have as nearly as possible an equal number of ballots of each kind, and the name of each candidate thereon shall appear severally in first, second, third and fourth place, and so on, upon the several ballots an equal number of times with each of the other candidates for the said term. There shall be nothing on the face of said ballots except as otherwise provided herein and except the names of the candidates and the respective terms for which they are candidates, together with a square in front of each name and a statement at the head of each column of the number of candidates for that term for whom the elector may vote, and that the elector shall indicate his choice by marking a cross in the square opposite the name of each candidate for whom he votes, and not elsewhere. Such ballots shall be voted at the regular city election and deposited in a separate ballot box to be provided for the purpose. Each elector may vote for as many candidates as there are members to be elected by marking a cross in the square opposite the name of each candidate for whom he votes. No election officer, challenger, or poll-book holder shall indicate to any elector offering himself to vote what he believes or understands to be the political affiliation of any candidate for School Commissioner. The candidates, in number equal to the number of members to be chosen, for the respective terms for which they shall have been nominated, who have the highest number of votes of those cast for such term, shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall in all cases be nominated or proposed for such vacancy and designated in the petition and on the ballot as candidates to fill such vacancy, and the date of the expiration of the unexpired term shall be stated. The vacancies in said Board of School Commissioners shall be filled temporarily by the Board as soon as practicable after such vacancy occurs. Such member so chosen shall hold office until his successor be elected and qualified. His successor shall be elected at the next regular city election, when the vacancy shall be filled for the remainder of the term. Any person violating any of the provisions of this section

shall be fined, upon conviction, in any sum not exceeding two hundred dollars. (R. S. 1908 and 1914, §6517; R. S. 1905, §3656.)

381. Organization of First Board.

4. At the city election occurring on the second Tuesday of October, 1899, five members of the Board of School Commissioners shall be elected to serve as herein provided. They shall assume office on the first day of January, 1900, and shall meet at the office of the present Board of School Commissioners of such city at 12 o'clock noon, and shall proceed to organize. Within one week after the organization of said elected Board they shall meet to divide themselves by lot, in such manner as they shall determine, into two classes, as follows: The first class, consisting of three members, shall hold office through the 31st day of December, 1901. The second class, consisting of two members, shall hold office through the 31st day of December, 1903. Thereafter, regular elections of members of the Board of School Commissioners shall occur at the regular city elections, held on the second Tuesday of October of each alternate year. In the year 1901, and every fourth year thereafter, three members shall be elected. In the year 1903, and every fourth year thereafter, two members shall be elected. (R. S. 1908 and 1914, §6518; R. S. 1901, §3904a1.)

NOTE.—The remainder of this act has nothing to do with the election of School Commissioners or their qualifications.

CHAPTER 8.

CITY AND TOWN ELECTIONS.

382.	Survey and map.	399.	Dissolution proceedings.
383.	Census.	400.	Union of adjoining cities or towns—Procedure.
384.	Survey, map and census made public.	401.	Eligible to office.
385.	Application to County Commissioners.	402.	Eligible to vote.
386.	Hearing and order.	403.	Voting precincts.
387.	Notice to voters—County Auditor.	404.	Petition—Census.
388.	Polls—How long open.	405.	Election Board—Duties—Ballots—Returns.
389.	Election Board.	406.	Town becomes city—Wards—Terms of officers.
390.	Election—Effect—Expenses.	407.	Officers—Terms—Jurisdiction—Successors.
391.	Ward boundaries.	408.	City Judge—Election, term, etc.—Jurisdiction.
392.	Corporation election—Notice.	409.	Water works, gas works, etc.—Boards—Public utilities—Election.
393.	Election inspectors.		
394.	Election precincts.		
395.	Elective officers—Terms.		
396.	When elected—Tie vote—Certificates.		
397.	Clerk Circuit Court—Record—Fee.		
398.	Vacancy in Board of Trustees.		

[Acts 1905, p. 219. Approved March 6, 1905.]

382. Survey and Map.

1. That persons intending to make application for the incorporation of a town, as hereinafter provided, shall cause an accurate survey and map to be made of the territory proposed to be embraced within the limits of such town. Such survey shall be made by a practical surveyor, and shall show the courses and distances of the boundaries of such territory, and the quantity of land contained therein; and the accuracy of the survey and map shall be verified by the affidavit of the surveyor, written thereon or attached thereto. (R. S. 1908 and 1914, §8975; R. S. 1905, §3767.)

383. Census.

2. Such persons shall also cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than thirty days previous to the time of presenting such application to the Board of Commissioners, as hereinafter provided; which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family; and the name of each real estate owner residing within such territory and owning real estate therein; and the census shall be verified by the affidavit of the persons taking the same. (R. S. 1908 and 1914, §8976; R. S. 1905, §3768. As amended, Acts 1913, p. 260.)

384. Survey, Map and Census Made Public.

3. Such survey, map and census, when completed and verified, shall be left at some convenient place within such territory, for examination by those having an interest in the organization of such town, for a period of not less than twenty days before the presentation of the application to the Board of Commissioners of the county. Notice of the intention to present such application and of the place where the same is left for examination, shall be given by publication once in some newspaper published within such territory, if any there be, and, if not, by posting in three public places therein, which notice by publication or posting shall be given not less than twenty days before the first day of the regular session of the Board of Commissioners at which such application is to be presented. (R. S. 1908 and 1914, §8977; R. S. 1905, §3769.)

385. Application to County Commissioners.

Section 4. Such application shall be by petition to the board of commissioners of the county in which such territory or the greater part thereof is situated, which petition shall be subscribed by not less than one-third of the whole number of the qualified voters residing within such territory, as shown by such census, also by one-third of the whole number of real estate owners residing within such territory and owning real estate therein as shown by such census. The petition shall set forth the boundaries of the territory, the quantity of land embraced therein and the resident population and the names of the resident real estate owners, owning real estate within such territory, and shall be verified by one or more of the petitioners. Such petition together with the survey map and census, shall be filed with the county auditor at or before the time indicated in the notice of the application, and shall by such auditor be presented to such county board, and be acted upon by the board as soon thereafter as the same can be considered. (As amended, Acts 1913, p. 261. R. S. 1914, §1878.)

386. Hearing and Order.

5. The Board of Commissioners, in hearing such application, shall first require proof that the survey, map and

census were subject to examination in the manner and for the time required by Sec. 3 of this act, and that the notice in said section prescribed was duly given; and if such Board be satisfied that the requirements of this act have been fully complied with, it shall make an order declaring that such territory shall, with the assent of the qualified voters thereof, as hereinafter provided, be an incorporated town, by the name specified in such application, provided such name differ from that of every other town in the State; and the Board shall include in such order a requirement for notice of a meeting of the qualified voters resident in the territory, at a convenient place therein, to be named by the Board, and on a day within one month after such order, to determine whether such territory shall be an incorporated town. (R. S. 1908 and 1914, §8979; R. S. 1905, §3771.)

387. Notice to Voters—County Auditor.

6. The County Auditor, in pursuance of such order of the Board, shall give ten days' notice of such meeting of the electors, by publication in a newspaper, if one be printed in such territory; and, if not, by posting copies of such notice in not less than ten public places in such proposed incorporated town, at least ten days before such meeting. (R. S. 1908 and 1914, §8980; R. S. 1905, §3772.)

388. Polls—How Long Open.

7. At the meeting of the qualified voters, as herein provided, polls shall be opened at 9 o'clock in the forenoon of such day, and shall be kept open until 4 o'clock in the afternoon, when they shall be closed. (R. S. 1908 and 1914, §8981; R. S. 1905, §3773.)

389. Election Board.

8. The voters at such meeting shall first proceed to the election of three of their number as Inspectors. Such Inspectors, after being duly chosen and qualified, and after having selected one of their number as Clerk, shall, without delay, proclaim to the meeting that the polls are open, and that they are ready to receive the ballots of the voters. (R. S. 1908 and 1914, §8982; R. S. 1905, §3774.)

390. Election—Effect—Expenses.

9. The qualified voters of such territory shall vote by ballots having thereon the word "Yes" and the word "No." The Inspectors shall make a statement showing the vote as in case of other elections, and shall return the same to the County Auditor, to be laid before the Board of Commissioners at its next regular or adjourned session, or at any other session called for that purpose. If the Board be satisfied of the legality of the election, and that a majority of the ballots are in favor of incorporation, it shall make an order declaring that such town has been incorporated by the name adopted, which order shall embrace a copy of the Inspector's return and be conclusive of such incorporation in all suits by or against such corporation; and the existence of such town, by the name and style aforesaid, shall thereafter be judicially taken notice of in all courts and places in this State, without specially pleading or proving the same. If the Commissioners find that a majority of the ballots are against incorporation they shall so declare, and no further proceedings shall be had in relation to such matter. An appeal may be taken to the Circuit Court from the action of the Board declaring or refusing to declare that such town has been incorporated. In case the town is not incorporated, all costs and expenses, including the expenses of election and appeal, if any be had, shall be paid by the petitioners, who on filing their application shall also file a bond, payable to the State of Indiana for the use and benefit of the Board of Commissioners of the county, and to the approval of such Board, conditioned for the payment of all such costs and expenses. In case the town is incorporated, all such costs and expenses shall be paid by the town. In case a majority of the votes cast at such election are against the incorporation of said town then the Board of Commissioners shall not order another election for the incorporation of such town until after the expiration of two (2) years from date of such election. (As amended, Acts 1913, p. 261. R. S. 1908 and 1914, §8983; R. S. 1905, §3775.)

391. Ward Boundaries.

10. Such Inspectors, when such town has been by the county board declared incorporated, shall at once proceed

to divide the town into not less than three, nor more than seven wards, having due regard to the equitable apportionment of population among the same, and the convenience and contiguity of the wards. Thereafter the trustees of any town incorporated under this act, may at any time, sixty days or more preceding the election for town officers, redistrict the town in like manner. (R. S. 1908 and 1914, §8984; R. S. 1905, §3776.)

392. Corporation Election—Notice.

11. After such town has been divided into wards, the Inspectors shall immediately give ten days' notice, by publication in a newspaper, if one be printed within such town, or if there be no newspaper, by posting such notice in one public place in each ward, of an election to be held in such town, for the purpose of electing officers thereof, naming in such notice the place where and the day when such election shall be had. Such place shall be at some convenient location in the town and such day shall be within twenty days from the publication or posting of such notice. Every subsequent notice of election shall be given in like manner, by the Clerk of the town. (R. S. 1908 and 1914, §8985; R. S. 1905, §3777.)

393. Election Inspectors.

12. Inspectors shall preside at such first election, and be Inspectors thereof. They shall receive and canvass the votes, and shall immediately thereafter, and before adjournment, declare the election of the officers so chosen, deliver to such officers certificates of their election, and make out and file with the Clerk of the Circuit Court of the county in which such town is situated the certified statement of election provided for in Sec. 15 of this act. At all subsequent town elections one Inspector for each voting precinct shall be appointed by the Board of Town Trustees, and the judges and other officers of each election board shall be selected as provided by law for the selection of the officers of township election boards. (R. S. 1908 and 1914, §8986; R. S. 1905, §3778.)

394. Election Precincts.

13. In town elections, after the first election, the election precincts shall, so far as practicable, be the same as those fixed for general elections; and the opening and closing of the polls and all other matters relating to such town elections shall be conducted in conformity with the provisions of the general election laws applicable thereto. (R. S. 1908 and 1914, §8987; R. S. 1905, §3779.)

395. Elective Officers—Terms.

14. The elective officers of every town shall be one Trustee from each ward and also a Clerk, a Treasurer and a Marshal for the town at large: Provided, That each Trustee shall be voted for by all the electors of the town, but shall be a resident of the ward for which he is elected; and, Provided, further, That nothing herein contained shall prevent the respective offices of Clerk and Treasurer from being held by the same person. The term of Trustees shall be four years and the term of the Clerk, Treasurer and Marshal shall be two years. The terms of all town officers elected at any regular election shall begin at noon on the first Monday of January following their election and qualification: Provided, however, That in towns having an even number of trustees one-half of the persons of any such town that receives the highest number of votes at the regular election in 1909 shall be regarded as elected thereto for a period of four years and the other half for a period of two years and in towns having an uneven number of trustees a majority of such trustees receiving the highest number of votes shall serve for four years and the remainder for two years. (As amended, Acts 1911, p. 71. R. S. 1914, §8988.)

396. When Elected—Tie Vote—Certificates.

15. The persons in each ward receiving the greatest number of votes as Trustees of such wards, respectively, shall be declared elected as such Trustees; and the persons receiving the greatest number of votes, respectively, for Clerk, Treasurer and Marshal, as designated by the ballot for such office, shall be declared so elected. And if two or more persons shall have an equal and the highest number of votes for any such offices, the Inspectors of such election

shall forthwith determine, by lot, which of them shall be declared elected. And it shall be the further duty of such Inspectors to make a certified statement, over their own signatures, of the persons elected to fill the several offices in such town, and to file the same with the Clerk of the Circuit Court of the county, within ten days from the day of such election. And no act or ordinance of any Board of Trustees chosen at any such election shall be valid until the provisions of this section are substantially complied with. (As amended, Acts 1909, p. 360. R. S. 1914, §8989.)

397. Clerk Circuit Court—Record—Fee.

16. It shall be the duty of the Clerk of the Circuit Court of the proper county forthwith to make a record of such certified statement of election; for which service there shall be paid the same fee as allowed for similar services of such clerks in other cases. (R. S. 1908 and 1914, §8990; R. S. 1905, §3782.)

398. Vacancy in Board of Trustees.

17. A vacancy occurring in the Board of Town Trustees, or in any other elective office of such corporation shall be filled by appointment by said board at a special meeting of the trustees, called for that purpose, of which meeting not less than five days' notice in writing shall be given, to each member of said board of trustees by the town clerk of said town; but such appointments if to fill a vacancy in the office of trustee, shall be made from the ward in which the vacancy occurred, and no appointment shall extend beyond the first Monday of January following the regular election provided for in this act. (As amended, Acts 1911, p. 5. R. S. 1914, §1891.)

399. Dissolution Proceedings.

22. Whenever a petition, signed by not less than two-thirds of all the legal voters of any incorporated town, is presented to the Board of Trustees of such town, duly sworn to by one or more of such petitioners, asking for the dissolution of the corporation, or for the change of its name, and in such petition setting forth the reasons therefor, the Trustees shall, if they deem the reasons stated sufficient,

cause an election by the legal voters of the town to be held, to determine whether the prayer of the petition shall be granted. Such petition shall be filed with the Town Clerk, and the petitioners shall also file therewith a census of all the legal voters of the town, which shall be taken within ten days prior to the filing of the same and shall embrace only the names of such legal voters as may reside therein at the time the census is taken. The person taking such census shall attach thereto his affidavit that the same is correct. On the filing of such petition and census, the Clerk shall give notice of such filing and of the day of hearing the same; which notice shall be by publication twice in a newspaper of general circulation printed in such town, the last of which publications shall not be less than ten days before such hearing; and if there be no newspaper printed in the town, then in a newspaper published at the county seat of the county in which such town is located, and by posting copies thereof in at least one public place in each of the wards in such town. The Board of Trustees shall, at the time named in such notice, hear and consider such petition and census, and shall also consider all statements, oral and written, that may be presented at such meeting both in favor of and in opposition to the granting of such petition. Thereupon the Board shall determine whether the reasons advanced by such petitioners are sufficient to justify the submission of the question of dissolution or change of name to the voters of the town for their decision. Any voters who signed the petition may, before such determination by the Board withdraw their names therefrom, and no names so withdrawn shall be counted by the Trustees in ascertaining whether the petition has been signed by the number of voters required by this section. If the Board finally determine to submit the question as to the dissolution or change of name of such corporation to the voters of the town for their decision, it shall fix the time of holding an election for that purpose, of which election the Clerk shall give at least twenty days' notice, which notice as to publication and posting shall be given in the manner hereinbefore provided for notice of the filing and hearing of such petition. Such election shall be held in the several precincts of such town and return thereof made to the Board of Trustees as in case of other elections. The voters

shall vote by ballot on the question so submitted to them, "Yes" or "No." If two-thirds of all the votes so cast shall be in the affirmative, and four-fifths of all the legal voters of the town, as shown by the census taken, shall have voted, the question so submitted shall be regarded as determined in the affirmative; and, within four days after the canvass of the vote by the Trustees, a statement of all the votes cast at the election, affirmative and negative, shall be prepared by the Town Clerk, signed by the Trustees and attested by the Clerk, and filed in the office of the Clerk of the Circuit Court of the county in which such town is situated. If the vote be in favor of a change of name, the name of the town shall be changed, accordingly, from and after the expiration of thirty days from the date of filing such report in the office of the Clerk of the Circuit Court. If the vote be in favor of a dissolution of the corporation, such town shall, at the expiration of six months from the filing of such report in the office of the Clerk of the Circuit Court, cease to be a corporation; and the property owned by the corporation, after payment of debts and liabilities, shall be disposed of in such manner as a majority of the voters of the town, at any special election therefor, may direct; but no such dissolution shall affect the right of any person in any contract to which such corporation is a party. In case the prayer of the petition shall not be granted, all costs and expenses incurred thereby, including the expenses of such election, if held, shall be paid by the petitioners, who, on filing their petition and census shall give a bond, payable to the Board of Trustees, to the approval of the Board, and such sum as the Board may direct, for the payment of all such costs and expenses. Any person aggrieved by the action of the Board of Trustees on such petition and census, or the result of such election, may appeal to the Circuit Court of the county in which such town is situated, within thirty days therefrom, by giving to the Board written notice of such appeal and by filing with the Town Clerk a bond, with surety to the approval of the Board, in the sum of five hundred dollars conditioned that such appeal will be duly prosecuted and all costs thereof be paid if the appeal be decided against such appellants. The Clerk shall thereupon file in the office of the Clerk of the Circuit Court a transcript of all proceedings, together

with all papers in the case, and no further action shall be taken by the Board until such appeal be heard and determined. Such appeal shall be heard by the Circuit Court without a jury. There may be a change of venue from the judge, but not from the county. (R. S. 1908 and 1914, §8996; R. S. 1905, §3788.)

400. Union of Adjoining Cities or Towns—Procedure.

241. Where a city and a town, or two cities, or two towns, adjoin each other, they may be united provided a majority of the qualified voters voting on such question of union, in each of such adjoining corporations, shall vote in favor of such union. The Common Council of such city and the Board of Trustees of such town, or the Common Councils of such cities, or the Boards of Trustees of such towns, as the case may be, shall, by resolution, passed by each Council or Board, first agree on the terms upon which such union shall take place, including the name by which the united corporation shall be known and the day upon which an election for the purpose shall be held in each of the adjoining municipalities. Notices of such agreement shall be given at least twenty days before the time fixed for such election, by publication of the same for two weeks, successively, once each week, in each newspaper published in each of such corporations, and by posting printed copies thereof in one or more public places in each ward of each of such corporations. Such election shall be held in the voting precincts of each of such corporations, as other city and town elections are held. The ballots for such election shall have thereon the words "Yes" and "No," and those electors favoring such agreement shall vote "Yes," and those opposed, "No;" and the election boards shall report to their respective Common Councils or Boards of Trustees the result of such election. A certified copy of the result of the election in each corporation shall be filed with the Common Council or Board of Trustees of the other corporation; and if a majority of the electors, voting on such question in each of such corporations, vote in favor of such union, then the two corporations shall be united in accordance with the terms of the agreement theretofore entered into; and a duly certified copy of such agreement, and of the result of such election, shall be filed in the office of the Record-

er of the county or counties in which such united corporation is situated, signed by the Mayor or presiding officer and attested by the Clerk and sealed with the seal of each of such constituent corporation; and copies of such record shall be received in all courts and places as conclusive of such union of such corporations under the name so agreed upon. In case of such union, the new corporation shall be liable for all the debts, contracts and liabilities of the constituent corporations, and shall be entitled to all the rights, credits, moneys, effects and properties theretofore had, held or owned by them or either of them, and may sue and be sued in relation to such debts, contracts, liabilities, rights, credits and properties by the name adopted on such union. But all actions pending at the time of such union shall be prosecuted to final judgment and execution, and all judgments theretofore rendered may be executed and enforced against the new corporation, without any change of the name of the plaintiff or defendant. (R. S. 1908 and 1914, §8895; R. S. 1905, §3716.)

401. Eligible to Office.

229. No property qualifications shall be necessary to render any citizen eligible to hold any office of any municipal corporation in this State. (R. S. 1908 and 1914, §8883; R. S. 1905, §3704.)

402. Eligible to Vote.

230. In all municipal elections, no other qualifications shall be required of any voter than such as are made necessary in general elections under the Constitution and laws of the State. (R. S. 1908 and 1914, §8884; R. S. 1905, §3705.)

403. Voting Precincts.

231. In City and town elections, except as provided in Secs. 10, 11 and 12 for the first town election, the voting precincts shall, so far as practicable, be those established by the County Commissioners, and the elections shall be conducted under the laws in force for general elections. (R. S. 1908 and 1914, §8885; R. S. 1905, §3706.)

404. Petition—Census.

38. Whenever one-third of the voters of any incorporated town, so far as the number can be estimated, shall petition the Board of Trustees thereof to be incorporated as a city under this act, such Board of Trustees, by an order or resolution to that effect entered on its record, shall furnish the marshal or other proper officer with the necessary forms for taking, and direct him to take, a census of all persons who are residents within the corporate limits of such town at least forty days previous to the date of such order or resolution: Provided, however, That if it shall appear to such Board of Trustees by the last census of this State or of the United States, or by any enumeration made by the order of such Board of Trustees, within two years after the filing of such petition, that such town then has two thousand five hundred inhabitants, such Board of Trustees shall be at liberty to proceed in all respects as if such census had been taken in the manner provided by this act. Such Marshal or other officer, with the concurrence of such Board may appoint assistants, and shall, within thirty days from the time of receiving such order, make full return, under oath, to such Board of the resident population of such town. If the return show a population of two thousand persons or more, the Trustees, within ten days thereafter, shall publish a notice to the voters, as in case of other town elections, stating that, on a day named, an election will be held in the several precincts of the town, to determine whether the same shall be incorporated as a city. In towns which are governed by a Common Council, instead of a Board of Trustees, the duties in this act required to be done by the Board of Town Trustees shall be performed by such Common Council. (R. S. 1908 and 1914, §8639; R. S. 1905, §3462.)

405. Election Board—Duties—Ballots—Returns.

39. The Board of Trustees shall appoint three reputable voters in each precinct, one to act as Inspector and two as Judges of election provided for in the preceding section; and the persons thus appointed shall choose a Clerk of such election. Such election shall be conducted in the same manner and be governed by the same rules as other

town elections. The ballots of the voters shall have thereon the word "Yes" and the word "No." The Inspector and Judges of each precinct shall make a statement showing the number of affirmative votes given and the number of negative votes given; and, on the day succeeding such election, at the hour of ten o'clock in the forenoon, the Inspectors shall meet and canvass the vote, as in other cases. If a majority of the ballots be in the negative the Inspectors shall so report to the Board of Trustees, and the voters of such town or city shall be deemed not to have consented to its incorporation as a city, and no further proceedings shall be had in relation thereto. But if a majority of such ballots shall be in the affirmative, the Inspector shall, within five days, certify that fact to the Clerk of the Circuit Court of the county in which such town is located, showing also in their return the number of votes in the affirmative and the number in the negative. The Clerk of such courts shall make a record of such return of such election in the civil order book of such court; and such town shall thereafter be deemed an incorporated city, with the powers and franchises appertaining thereto; and the record in the office of such Clerk of the Circuit Court shall be held in all courts and places as conclusive evidence of such incorporation. But nothing herein shall prevent any person interested from contesting the validity of such election, and of the result thereof, as in other cases of contested elections. (R. S. 1908 and 1914, §8640; R. S. 1905, §3463.)

406. Town Becomes City—Wards—Terms of Officers.

40. Within five days after the filing in the office of the Clerk of the Circuit Court of the statement showing that any town has been incorporated as a city, the Trustees of such town shall divide such city into not less than three wards, none of which shall contain less than three hundred inhabitants; and shall, within the same time, cause to be given to the voters of such city ten days' notice, by publication in one or more newspapers printed in such city, if any there be, and if not, in a paper published in the county in which such city is situated, and by posting copies of such notice in three public places in each ward of such city, that an election will be held in each of such wards on a day and at the places in such notices stated for the election of the

city officers therein named. The officers elected at such election shall serve until twelve o'clock noon, of the first Monday in January following the next regular city election thereafter. The Common Council of any city of this State shall have power to redistrict such city into three or more wards, whenever in the judgment of such Council it is expedient to do so, such wards to contain, as near as possible, an equal number of inhabitants and to be composed of compact and contiguous territory: Provided, That the wards of each city shall remain in number and boundaries the same as now existing until the year 1907; and thereafter no readjustment or fixing of the boundaries of the wards of any city shall occur oftener than once in a period of six years unless the same be made necessary by the annexation of new territory, in which case such readjustment of wards and boundaries, whenever made, shall be done by ordinance, passed by a two-thirds vote of all the members of the Common Council; and no such ordinance for change in wards shall be passed before notice first given by publication for three successive weeks, once each week, the last of which publications shall be at least thirty days before any city election, in a newspaper of general circulation printed in such city, in which notice the proposed numbers and boundaries of the wards shall be plainly stated and described. (R. S. 1908 and 1914, §8641; R. S. 1905, §3464.)

407. Officers—Terms—Jurisdiction—Successors.

Section 43. The elective officers of the cities of this state shall consist of a mayor, city judge, city clerk, city treasurer, and councilmen as hereinbefore provided, except in cities of the third class, no city judge shall be elected unless such office is established by the common council of such city as provided by law: *and Provided*, That in cities of the fifth class no city judge shall be elected, but the powers and duties of city judge shall devolve wholly upon the mayor, except, however, first, that in every city of the first, second, third, fourth and fifth classes which is the county seat of the county in which such city is located, the county treasurer of such county shall perform all duties of city treasurer: *Provided*, In cities of the fourth class which are county seats and which own water or lighting public utilities,

having either or both an annual income of one hundred thousand dollars or upwards from private consumers, and in cities of the fifth class which are county seats, and which own water or lighting public utilities, there shall be elected a city treasurer the salary of which officer shall be fixed by ordinance of the common council of such city; and except, second, that is in cities of the fourth class, the powers and duties of city judge may be imposed upon the mayor pursuant to an ordinance duly passed by the common council of such city at least ninety days prior to any city election and to take effect upon the expiration of the term of office of the city judge then in office. Any ordinance passed under this section may be repealed at any time except within ninety days prior to the time of holding the city election and such repeal shall not affect the terms of office or the duties of any officer elected prior to such repeal of such ordinance. In cities of the fourth class, which shall have a city judge, he shall receive a salary to be fixed by ordinance not to exceed twelve hundred dollars per annum, payable quarterly as other city officers are paid. On the first Tuesday after the first Monday in November in the year 1913, and on the same day every four years thereafter there shall be held a city election in every city in this state for the election of the elective officers of such city and there shall be no election in any city prior to that date except the first city election in case of the organization of the city as provided in section forty (40) of this act. At such general election there shall be elected in every city a mayor and a city clerk. In cities of the first, second, third, and fourth classes there shall likewise be elected a city judge except in cities in which the duties of city judge shall devolve upon the mayor no city judge shall be elected, and in every city of the first, second, third, fourth and fifth classes which is not a county seat, and in every city of the fourth and fifth classes which are county seats and own water or light, public utilities, as hereinbefore provided, there shall be elected a city treasurer. At such election there shall be elected in each ward one councilman and the whole city shall elect at large half as many additional councilmen, not counting fractions, as there are wards in the city: *Provided*, That in no case shall the number of councilmen at large in any city be more than six or less than two. The officers elected on the

first Tuesday after the first Monday in November, 1909, shall hold their respective offices from the termination of the terms of their respective predecessors until the hour of 12 o'clock noon of the first Monday in January, 1914. Thereafter all elective city officers shall serve for four years from the hour of 12 o'clock at noon on the first Monday in January following their election and shall continue to serve until their successors are elected and qualified except where the office is abolished by statute or ordinance. No person shall be eligible to any city office unless he shall have been a resident of such city for at least one year immediately preceding his election nor shall any person be eligible to the office of councilman to represent any ward unless for the last six months of his residence in such city he shall have been a resident of such ward. And should any city officer cease to be a resident of such city or any councilman representing any ward, cease to be a resident of such ward, during his term of office, such office shall thereby at once become vacant. No person shall be eligible to hold the same elective office more than four years in any period of eight years in cities of the first class. Present incumbents in offices in cities of the second and third classes, shall be eligible to election to the office which they now hold in the election to be held on the first Tuesday after the first Monday in November, 1913, and at every city election thereafter. All city elections shall be held and returns made thereof, certificates issued and contests had in conformity with the general election laws of this state. The respective officers of all cities of this state elected or appointed under the laws heretofore in force, shall continue to serve as such officers under the provisions of this act until 12 o'clock noon of the first Monday in January, 1914. All laws now in force for the government of such cities where the same are not in conflict with the provisions of this act shall continue in force and all ordinances, rules and regulations of any such city duly passed and adopted under such former laws, except as herein provided and if not in conflict with the provisions of this act, shall continue in full force and effect until repealed or abolished.

In case any city prior to the election and qualification of the officers of such cities under the terms of this act shall have commenced any proceedings or undertakings of a

public nature which shall have been lawfully commenced or undertaken, the same shall not be interrupted by the passage of this act, but shall be taken up and carried forward by the proper officers or department as prescribed in this act, except that in case of public improvement of any kind whatever of sewers, streets, alleys, levees, parks and public buildings or any other matter of an executive nature in which a contract has not prior to the taking effect of this act been actually let and entered into, the executive department having charge of such matter shall not be bound unless it so elects by the previous proceedings but may review the whole subject and modify, change, rescind all orders previously made in that behalf: *Provided*, That any city of the fourth class having a population of more than twenty thousand after the census of 1910 shall continue to be a city of the fourth class until the expiration of the term of office of the officers elected on the first Tuesday after the first Monday in November, 1909: *Provided further*, That any city of the fourth class having a city judge, a city controller and a board of public works, or any of them, and becoming a city of the third class at the expiration of the term of office of the officers elected on the first Tuesday after the first Monday in November, 1909, shall, upon becoming a city of the third class, continue to have such city judge, city controller and board of public works, unless abolished by ordinance of the common council enacted, in case of the city judge, at least thirty days before the city election: *Provided further*, That no city marshal shall be appointed or elected in any city of the fifth class having a board of metropolitan police commissioners and a metropolitan police force. In cities of the fourth class where the county treasurer shall act as city treasurer, his salary as such shall be six hundred dollars per year, which may be increased by ordinance to any sum not exceeding one thousand (\$1,000.00) dollars per year, and in cities of the fifth class where the county treasurer acts as city treasurer, his salary as such shall be three hundred (\$300.00) per year, which may be increased by ordinance to any sum not exceeding eight hundred dollars (\$800.00) per year. In addition to such salary, the county treasurer shall receive five per cent. of the amount of all delinquent city taxes collected by him for such city. In cities of the fourth and fifth classes, in

which the county treasurer acts as city treasurer, the common council shall allow the auditor of such county for his services rendered such city, an annual compensation not to exceed three hundred dollars (\$300.00) per year, and all salaries for the fiscal year relating to the county treasurers and county auditors, shall be adopted by the common council of cities of the fourth and fifth classes on or before the first meeting in September of each year. Whenever the county treasurer acts as city treasurer of any city, such treasurer shall, as soon as collected, credit to the account of such city all moneys collected by such treasurer for any purpose for such city and thereafter such funds shall be available for use by such city: *and Provided, further*, That the salaries of such city officers shall be fixed during the month of September preceding the election each four years and shall not be increased or lowered during the term for which any officer may have been elected or appointed, and the amount of salaries of such officers shall be fixed under the provisions of the law now in force governing the salaries of such officers in cities of the third class. Nothing in this act shall be so construed as to affect the election or number of councilmen in cities having a population of one hundred thousand and upwards according to the last preceding census of the United States, but such elections and the number of councilmen for such cities shall be in conformity to an act in relation to cities having a population of one hundred thousand and upwards, according to the last preceding census of the United States: *Provided, however*, That in cities of the fourth class the mayor shall appoint the board of public works; the salary of each member of such board of public works shall not be less than twelve hundred dollars per year, which may be increased by ordinance to fifteen hundred dollars per year; and in such cities as own and operate both an electric light plant and water works plant as public utilities, the salary of the mayor of such city shall be two thousand dollars per year, five hundred dollars of which shall be paid out of the funds arising from such public utilities, in such proportions as the board of works may order and direct: *and Provided further*, That in cities of the fourth class the city attorney may; only by and with the consent of the board of public works and mayor of such city; compromise litigation affecting such city when it is for the best interest of such city,

and to that end, upon direction of the mayor and board of public works may confess judgment in any of the courts of competent jurisdiction for such sum as may be agreed upon by said mayor and board of public works. (As amended, Acts 1913, p. 933. R. S. 1914, §8644.) (This section amends Section 1 of the Acts of 1909, p. 455, which amended Section 43 of the Acts of 1905, p. 236. There seems to be confusion in the titles of these acts.)

408. City Judge—Election, Terms, Etc.—Jurisdiction.

216. The City Judge shall be elected by the legal voters of such city, at the same time and in the same manner as the other city officers are elected, for the term of four years and until his successor is elected and qualified. His term of office shall begin at 12 o'clock noon on the first Monday of January following his election; except that any City Judge elected at the election to be held in November, 1905, shall, as in the case of other officers then elected, hold only from the expiration of the term of his predecessor and until the first Monday in January, 1910. Before entering upon the discharge of his duties he shall execute a bond, payable to such city in the penal sum of five thousand dollars, with good and sufficient surety, to be approved by the Mayor and filed in the office of the City Controller, conditioned for the faithful discharge of the duties of his office. He shall hold daily sessions of the city court, Sundays excepted, at a place to be provided and designated by the Common Council. He shall have and exercise within the county in which such city is located the powers and jurisdiction now or hereafter conferred upon Justices of the Peace in all cases of crimes and misdemeanors, except as otherwise provided. He shall have exclusive jurisdiction of all violations of the ordinances of such city. He shall also have original concurrent jurisdiction with the Circuit Court or Criminal Court in all cases of petit larceny and all other violations of the laws of the State where the penalty provided therefor can not exceed a fine of five hundred dollars and imprisonment in the jail or workhouse not exceeding six months, or either or both: Provided, That such City Judge, in any case brought before him charging any person with a crime or misdemeanor, if in the opinion of such

Judge, the punishment which he is authorized to assess is not adequate to the offense, may so find, and in such case he shall hold such prisoner to bail for his appearance before the proper court, or commit him to jail in default of such bail. (R. S. 1908 and 1914, §8842; R. S. 1905, §3641.)

409. Waterworks—Gas Works—Bonds—Election.

249. Any city or town may erect or construct waterworks, gas works, electric light works, heating, steam and power plants, or combination of such utilities, together with all buildings, lines and accessories necessary thereto, and may purchase or lease any such works and utilities already constructed, or in course of construction and owned by any other person; and may also purchase, condemn or lease other lands for said purposes; and may also extend, change and improve such works and utilities when so acquired; all for the purpose of furnishing the inhabitants of such city or town and vicinity thereof with the use and convenience of any or all of such utilities: Provided, That before any city or town shall enter upon the policy of erecting and constructing any such new works and utilities, or the purchase or lease of the same from other persons, the common council of such city or the board of trustees of such town, as the case may be, shall adopt a resolution, designated by number, declaring the necessity for entering upon the policy of such erection and construction, or purchase or lease. In case of the proposed erection and construction of new works, said declaratory resolution shall fix the general character and the probable maximum cost thereof; and in case of the purchase or lease of such works from other persons, such common council or board of trustees shall first procure an option from the owners of such works agreeing to sell or lease the same upon the terms of a definite proposed contract of sale or lease upon approval thereof by popular vote, and a full copy of said proposed contract of sale or lease shall be incorporated in, and made a part of, said declaratory resolution. Before such declaratory resolution is confirmed and the policy thereof entered upon, said common council or board of trustees shall submit the same to the qualified voters of such city or town, at a special or general election, of which election previous notice shall be given by publication once each week for two weeks in some

newspaper printed and of general circulation in such city or town, and if there be no such newspaper, then in some newspaper printed and of general circulation in the county in which such city or town is situated, the first of such publications to be at least twenty days prior to the day fixed for such election. The tickets for such election shall have printed thereon, in separate lines, the following phrases, "For Declaratory Resolution No. ," and "Against Declaratory Resolution No. ," designating the number of the resolution submitted, or other similar phrases by which the voter may effectually express his choice upon the question submitted; and each phrase shall have printed to the left thereof a voting square, by marking in which square the voter shall express his choice; and such elections shall otherwise be governed by the general election laws of the State of Indiana, so far as applicable. If such resolution be submitted at a general election of such city or town, the tickets therefor shall be printed upon and at the bottom of the general tickets containing the names of candidates at such election. If a majority of the votes cast at such election be in favor of such resolution, such common council or board of trustees may, by ordinance, confirm such resolution and proceed to execute the policy thereof; but if a majority of such votes be opposed to such resolution, then such common council or board of trustees shall have no power to confirm the same or to execute the policy thereof. Such city or town is hereby authorized, for the purpose of procuring the means to acquire the aforesaid works and utilities, or to improve the same when acquired, as hereinbefore authorized, to issue and sell the bonds of such city or town pursuant to and in conformity with the provisions of section fifty-five (55) of this act. (As amended, Acts 1911, p. 563. R. S. 1914, Sec. 8921.)

CHAPTER 9.

SOLICITING NATURALIZATION.

SEC.

410. Election—Alien citizen—Soliciting declaration.

SEC.

411. Declaration fee—Illegal payment, etc.
412. Penalty.

[Acts 1911, page 672. Approved March 6, 1911. In force April 21, 1911.]

410. Election—Alien Citizen—Soliciting Declaration.

1. That it shall be unlawful for any person, corporation, political organization, political party or committee of any political party, to pay or offer to pay for any person of foreign birth or alien, the fee charged by the Clerk of the Circuit or Superior Court of any county, or Clerk of the Federal Court when an alien declares his intention to become a citizen of the United States, or to pay or offer to pay to any such alien for his loss of time or traveling expenses or any other expenses when such alien declares his intention to become a citizen of the United States, or in any other way or manner to lend any pecuniary aid or make any promise of anything of value of any kind whatever, directly or indirectly, to any alien in declaring his intention to become a citizen of the United States, to lend any pecuniary aid or to make any promise of value of any kind whatever, directly or indirectly, to any alien in declaring his intention to become a citizen of the United States. (R. S. 1914, Sec. 2585a.)

411. Declaration Fee—Illegal Payment, Etc.

2. The paying of any fee either to the Clerk of the United States Court or the Clerk of the Circuit or Superior Court of the county where any alien may have declared his intention to become a citizen of the United States by any person or persons or any combination or association of persons or by any political organization or member of any organization of men for political purposes, for the purpose of procuring a certificate for said alien showing him to have declared his intention to become a citizen of the United States shall be grounds for a contest of election for the office of any candidate or candidates who may have received the vote of any such alien, and where any petition

for contest has been filed, evidence may be introduced upon the hearing of such contest for the purpose of establishing the fact that the fee necessary to be paid at the time of the declaration of his intention by any alien was paid by some other person than himself and for whom said alien voted, and if it appears that any such votes were cast for the contestee in any such contest, such votes shall not be counted for such contestee and if cast with his knowledge or consent, his election shall be declared invalid, and the contestor, if he received the next highest number of legal votes for said office shall be entitled to said office, and it shall in like manner vitiate and invalidate the election of any contestee in any proceeding for the contest of an election when it is shown upon the hearing thereof that any inducement, solicitation or offer of reward or gain shall have been made to any such alien by such contestor or with his knowledge or consent for the purpose of inducing him to declare his intention to become a citizen of the United States for the purpose of voting at any election either general or special. (R. S. 1914, Sec. b.)

412. Penalty.

3. Any person or persons or corporations violating any of the provisions of this Act, shall, on conviction be fined not less than one hundred dollars nor more than five hundred dollars and be imprisoned not less than one year nor more than fourteen years. (R. S. 1914, Sec. c.)

CHAPTER 10.

NATURALIZATION LAWS.

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[Act of Congress of June 29, 1906.]

413. Jurisdiction of Courts.

3. Exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States Circuit and District Courts now existing, or which may hereafter be established by Congress in any State, United States District Courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the Supreme Court of the District of Columbia, and the United States Courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a Clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The Courts herein specified shall, upon the requisition of the Clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau. (R. S. 1908 and 1914, §9047.)

414. Anarchists and Polygamists Debarred.

7. No person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States. (R. S. 1908 and 1914, §9048; 34 U. S. Stat. L. 598.)

415. Speaking English Language.

8. No alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: Provided, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: And provided further, That the requirement of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: Provided further, That the requirements of Section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands. (R. S. 1908 and 1914, §9040; 34 U. S. Stat. L. 599.)

416. Alien Enemies Debarred.

2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States. (R. S. 1908 and 1914, §9050; R. S. U. S. §2171.)

417. Alien Soldiers and Sailors.

2166. Any alien, of the age of twenty-one years, and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States. (R. S. U. S. §2166.)

Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps. (R. S. 1908 and 1914, §9051; 28 U. S. Stat. L. 124.)

418. Merchant Seamen.

2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and

after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen. (R. S. 1908 and 1914, §9052; R. S. U. S. §2174.)

419. Chinese Not Admitted.

14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this Act are hereby repealed. (R. S. 1908 and 1914, §9055a; 22 U. S. Stat. L. 58.)

420. Whites and Africans Included.

2169. (As amended, 1875.)—The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent. (R. S. 1908 and 1914, §9055b; R. S. U. S. §2169.)

421. How Naturalization Obtained.

4. An alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: Provided, however, That no alien who, in conformity with the law in force at the date of this declaration, has

declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife, and, if possible, the country of her nativity and her place of residence at the time of filing of his petition; and if he has children the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: Provided, That if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the Clerk of the Court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attach-

ment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this Act, be naturalized without making any declaration of intention. (R. S. 1908 and 1914, §9055c; 34 U. S. Stat. L. 596.)

422. Notice of Petition.

5. The Clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien; the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the Clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned. (R. S. 1908 and 1914, §9055d; 34 U. S. Stat. L. 598.)

423. Petition, Filing, Docketing.

6. Petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: Provided, That no

person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith. (R. S. 1908 and 1914, §9055e; 34 U. S. Stat. L. 598.)

424. Hearing and Order.

9. Every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court. (R. S. 1908 and 1914, §9055f; 34 U. S. Stat. L. 599.)

425. Residence—Proof.

10. In case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States Attorney for the district in which said witnesses may reside. (R. S. 1908 and 1914, §9055g; 34 U. S. Stat. L. 599.)

426. United States May Appear.

11. The United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his

petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings. (R. S. 1908 and 1914, §9055h; 34 U. S. Stat. L. 599.)

427. Clerk's Duties—Duplicates.

12. It is hereby made the duty of the Clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this Act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the Clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such Clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such Clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenships received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizen-

ship received by any such Clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such Clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned. (R. S. 1908 and 1914, §9055i; 34 U. S. Stat. L. 599.)

428. Binding and Indexing Papers.

14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate. (R. S. 1908 and 1914, §9055j; 34 U. S. Stat. 600.)

429. Fees.

13. The Clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The Clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such Clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in

each and every fiscal year, and the money so received shall be paid over to the disbursing Clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing Clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required; the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the Clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the Clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such Clerk for such purpose, and the residue, if any, shall be returned by the Clerk to the petitioner: Provided, That the Clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such Clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this Act. The Clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the Clerks of courts from fees received by such Clerks in naturalization proceedings. And in case the Clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such Clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such Clerk warrants such allowance. (R. S. 1908 and 1914, §9055k; 34 U. S. Stat. L. 600.)

430. Cancellation of Certificates.

15. That it shall be the duty of the United States Dis-

strict Attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days' personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this Act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the Diplomatic and Consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Nat-

uralization; and in case such certificate was not originally issued by the court making such order it shall direct the Clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the Clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this Act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws. (R. S. 1908 and 1914, §90551; 34 U. S. Stat. L. 601.)

431. Forged Certificates.

16. That every person who falsely makes, forges, counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or knowingly aids or assists in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person or persons, shall be guilty of a felony, and a person convicted of such offense shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment. (34 U. S. Stat. L. 602.)

432. Counterfeiting Blanks.

17. That every person who engraves or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor, or other proper officer, and any person who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate

from which any such certificate has been printed, with intent to use such plate or suffer the same to be used in forging or counterfeiting any such certificate or any part thereof; and every person who prints, photographs, or in any other manner causes to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof, or who sells any such certificate, or brings the same into the United States from any foreign place, except by direction of some proper officer of the United States, or who has in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such fine and imprisonment. (34 U. S. Stat. L. 602.)

433. Felonious Issuance.

18. That it is hereby made a felony for any Clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this Act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such Clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court. (R. S. 1908 and 1914, §9055m; 34 U. S. Stat. L. 602.)

434. Wrongful Possession.

19. That every person who without lawful excuse is possessed of any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization, with intent unlawfully to use the same, shall be imprisoned at hard labor not more than five years or be fined not more than one thousand dollars. (34 U. S. Stat. L. 602.)

435. Embezzlement of Fees.

20. That any Clerk or other officer of a court having power under this Act to naturalize aliens, who wilfully neg-

lects to render true accounts of moneys received by him for naturalization proceedings or who wilfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both. (R. S. 1908 and 1914, §9055n; 34 U. S. Stat. L. 602.)

436. Extortion.

21. It shall be unlawful for any Clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. (34 U. S. Stat. L. 602.)

437. False Certificate.

22. The Clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this Act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this Act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars or by imprisonment not to exceed five years. (R. S. 1908 and 1914, §9055o; 34 U. S. Stat. L. 603.)

438. Wrongful Possession.

23. Any person who knowingly procures naturalization in violation of the provisions of this Act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars or imprisoned not more than five years, or both. (R. S. 1908 and 1914, §9055p; 34 U. S. Stat. L. 603.)

439. Limitation Five Years.

24. No person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indictment is found or the information is filed within five years next after the commission of such crime. (R. S. 1908 and 1914, §9055q; 34 U. S. Stat. L. 603.)

440. Saving Clause.

25. For the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization laws shall remain in full force and effect. (R. S. 1908 and 1914, §9055q; 34 U. S. Stat. L. 603.)

441. Colonials.

30. All the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States,

and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. (R. S. 1908 and 1914, §9053; 34 U. S. Stat. L. 606.)

442. Children of Citizens.

2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered citizens thereof. (R. S. 1908 and 1914, §9055; R. S. U. S. §2172.)

443. Forms.

27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I,, aged years, occupation
, do declare on oath (affirm) that my personal description is: Color, complexion, height
 weight, color of hair, color of eyes
 other visible distinctive marks; I was born in.....
 on the day of, anno Domini; I now reside at; I emigrated to the United States of America from on the vessel; my last foreign residence was It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to....., of which I am now a citizen (subject); I arrived at the port of....., in the State (Territory or District) of..... on or about the.....day of.....anno Domini.....; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant)

Subscribed and sworn to (affirmed) before me this..... day of....., anno Domini.....

[L. S.]

(Official character of attestor.)

PETITION FOR NATURALIZATION.

.....Court of.....

In the matter of the petition of.....to be admitted as a citizen of the United States of America:

To the.....Court:

The petition ofrespectfully shows:

First. My full name is.....

Second. My place of residence is No.....street, city of....., State (Territory or District) of.....

Third. My occupation is.....

Fourth. I was born on the.....day of..... at.....

Fifth. I emigrated to the United States from.....

on or about the.....day of....., anno Domini....., and arrived at the port of....., in the United States, on the vessel.....

Sixth. I declared my intention to become a citizen of the United States on the.....day of.....at..... in the.....Court of.....

Seventh. I am....married. My wife's name is..... She was born in.....and now resides at..... I have.....children, and the name, date, and place of birth and place of residence of each of said children is as follows:;;

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to....., of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since....., anno Domini....., and in the State (Territory or District) of....., for one year at least next preceding the date of this petition, to wit, since.....day of....., anno Domini.....

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the.....court of, at....., and the said petition was denied by the said court for the following reasons and causes, to wit,, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United

States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated.....

(Signature of petitioner).....

....., ss:

....., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this.....day of , anno Domini.....

[L. s.]

.....,
Clerk of the.....Court.

AFFIDAVIT OF WITNESSES.

.....Court of.....

In the matter of the petition of....., to be admitted a citizen of the United States of America.

....., ss:

....., occupation....., residing at....., and....., occupation....., residing at..... each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known....., the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of.....years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

.....
.....

Subscribed and sworn to before me this.....day of
....., nineteen hundred and.....

[L. S.]

(Official character of attessor.)

CERTIFICATE OF NATURATIZATION.

Number.....

Petition, volume....., page.....

Stub, volume....., page.....

(Signature of holder).....

Description of holder: Age.....; height.....;
color.....; complexion.....; color of hair.....;
color of eyes.....; visible distinguishing marks.....
..... Name, age and place of residence
of wife..... Names, ages, and places
of residence of minor children.....;
.....;
....., ss:

Be it remembered, that at a.....term of the.....
court of....., held at....., on the.....day of
....., in the year of our Lord nineteen hundred and
.....,, who previous to his (her) naturaliza-
tion was a citizen or subject of....., at present residing
at number.....street,city (town),.....
State (Territory or District), having applied to be admitted
a citizen of the United States of America pursuant to law,
and the court having found that the petitioner had resided
continuously within the United States for at least five years
and in this State for one year immediately preceding the
date of the hearing of his (her) petition, and that said
petitioner intends to reside permanently in the United
States, had in all respects complied with the law in relation
thereto, and that ..he was entitled to be so admitted; it
was thereupon ordered by the said court that ..he be ad-
mitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto
affixed on the.....day of....., in the year of our
Lord nineteen hundred and....., and of our independence
the.....

[L. S.]

(Official character of attessor.)

STUB OF CERTIFICATE OF NATURALIZATION.

No. certificate.....
 Name.....; age.....
 Declaration of intention, volume....., page.....
 Petition, volume....., page.....
 Name, age, and place of residence of wife.....
 Names, ages, and places of residence of
 minor children

 Date of order, volume....., page.....
 (Signature of holder).....
 (S. S. 1908 and 1914, §9055r; 34 U. S. Stat. L. 603.)

44. Power to Make Rule.

28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act, and in all cases in which the originals thereof might be admissible as evidence. (R. S. 1908 and 1914, §9055s; 34 U. S. Stat. L. 606.)

CHAPTER 11.

COUNCILMEN IN FIRST-CLASS CITIES.

SEC.

445. Number and salary.
446. Councilmanic districts.

SEC.

447. Nominations—Manner and number.

[Acts 1909, p. 341. Approved and in force March 6, 1909.]

445. Number and Salary.

1. The number of councilmen in cities having a population of one hundred thousand or over, according to the last preceding United States census, shall be nine (9), and no more, and that such councilmen shall be known as councilmen-at-large, and shall be elected by the electors of the entire city, and such councilmen shall not be elected by wards, but nothing herein shall have the effect to displace any councilmen now in office, but such councilmen now in office shall so continue until the term[s] for which they were elected shall be completed. The salary of each of such councilmen shall be six hundred dollars per year.

(R. S. 1914, Sec. 8644a.)

1. This statute applies only to the city of Indianapolis.

446. Councilmanic Districts.

2. Any city or cities coming within the provisions of this act for the purpose of carrying out the same shall, by the Common Council of said city or cities, be divided into six districts, to be known as councilmanic districts, each district to contain as nearly as possible, an equal number of electors, and that not more than one candidate of any political party or organization shall be named or nominated from either or any one of said districts. (R. S. 1914, Sec. 8644b.)

447. Nominations—Manner and Number.

3. Any persons, political party or organization nominating candidates for city officers, to be voted for at any election in cities having a population of 100,000 or more, according to the last preceding United States census, by means of choosing persons as such candidates at a conven-

tion, or at a primary election, or by petition or otherwise, pursuant to law, shall have the right to nominate and cause to be placed on the ballot to be voted at such city election, the names of six candidates, one from each councilmanic district, for the office of City Councilman and no more, and the names of any six candidates for said office, nominated and duly certified to the Board of Election Commissioners according to law, shall be placed on the official ballot to be voted at such election under such party name and device as the political party or organization making such nomination shall have lawfully chosen. And each and every legal voter casting his ballot for city officers shall have the right to vote for any nine candidates for the office of Councilman, and the nine who shall receive the largest number of votes of those cast for candidates for the office of Councilman shall be declared elected. (R. S. 1914, Sec. 8644c.)

CHAPTER 12.**CENTENNIAL CELEBRATION.**

[Approved March 11, 1913. Acts 1913, p. 515.]

448.

SEC. 6. For the purpose of submitting to the voters of the state the question whether the State of Indiana shall celebrate the one-hundredth anniversary of its admission to the federal union, the several county boards of election commissioners of the state shall cause to be printed on a separate ballot to be used at the next general election the question, "For the appropriation of two million dollars (\$2,000,000) for a centennial memorial" with the words "yes" and "no," each preceded by a square, printed thereunder, said ballots to be furnished by said commissioners to the several election inspectors, the same as county ballots are furnished. Except as herein otherwise provided, said question shall be submitted, voted on and the result certified the same as amendments to the constitution are submitted to the electors of the state. If a majority of the electors voting on such question shall declare in favor of it, the governor shall thereupon appoint a commission of five to be known as the centennial memorial commission. Not more than three of said commissioners shall belong to the same political party and each of whom shall execute a bond in the sum of twenty thousand dollars (\$20,000). They shall organize by appointing a president and secretary and shall serve without pay. Said commission is authorized and directed with advice and consent of the governor to purchase ground and erect a state building to cost not exceeding two million dollars for which purpose said commissioners are authorized to contract for plans, specifications, land, labor, clerk hire and material. As part of said celebration said commission, with the advice and consent of the governor is authorized to have such public celebration of such anniversary as they may deem fit and proper including the acquiring by the state out of said fund of any memorial or memorials they may deem advisable, but no more than one hundred thousand dollars of said funds shall be expended for such purposes. Should said question carry as in this section provided then

for the purpose of carrying out the provisions of this section, there shall be appropriated from any funds in the state treasury, not otherwise appropriated, the sum of two million dollars, or so much as may be needed, which shall be a continuing permanent appropriation available at any time during the progress of said work, and which shall cover all the expenditures of said commission. If in any year during the progress of said work there should be a deficit in the finances of the state which would interfere with said work, the governor, auditor and treasurer of state are authorized to issue and sell the non-taxable bonds of the state not exceeding two million dollars for such term and rate of interest, not to exceed three and one-half per cent. ($3\frac{1}{2}\%$), as they may deem advisable, and proper record thereof shall be kept in the auditor of state's office.

CHAPTER 13.

CONSTITUTIONAL CONVENTION.

SEC.

449. Constitutional Convention—Sense of Voters.
 450. Legal Voters.
 451. Ballots.
 452. Canvass of vote.
 453. County Clerks—Make Returns.
 454. Notice of Election.
 455. Decision of Voters—Proclamation.
 456. Election of Delegates—Special Election.
 457. Number of Delegates—Apportionment.
 458. General Election Laws to Govern.

SEC.

459. Contest—How Decided.
 460. Candidates—Non-Partisan.
 461. Date of Convention—Organisation.
 462. Oath of Office.
 463. Powers of Convention.
 464. Vacancy—How filled—Per Diem.
 465. Records and Documents—Convention Entitled To.
 466. Enrolled Constitution—Where Filed.
 467. Duties of Governor and Secretary of State.
 468. Election Commissioner—Duties.

449. Constitutional Convention—Sense of Voters.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That it shall be the duty of the inspectors of elections in the several townships and voting precincts within each county in this state at the regular election to be held in November, 1914, to open a poll in which shall be entered all the voters given for or against the calling of a convention to alter, revise or amend the constitution of the State of Indiana, or to formulate a new constitution if deemed advisable.

450. Legal Voters.

SEC. 2. Every qualified voter in the State of Indiana may, at said election, vote for or against the calling of a convention for the purpose mentioned in the first section of this act.

451. Ballots.

SEC. 3. The county board of election commissioners shall furnish to each inspector of such election the same number of ballots to be used by the voters in determining whether such convention shall be called, as is furnished of county ballots. Said ballots shall be in the following form, to-wit:

Are you in favor of a constitutional convention in the year 1915?

☐

Yes.

☐

No.

Such ballot shall be printed on plain white paper four inches square. The expense of printing said ballots and

furnishing the ballots, boxes and supplies hereinafter mentioned shall be paid by the respective boards of commissioners of the several counties of the state as other expenses of elections are paid. Each voter shall indicate his desire as to the calling of such convention by marking said ballot in the manner following, viz: If such voter is in favor of calling a constitutional convention he shall make a mark thus "X" in the square in front of the word "Yes," if he is opposed he shall make a mark thus "X" in the square in front of the word "No." Such ballots after being marked by the voter shall be deposited in a separate box to be provided for the purpose. Whenever an elector offers to vote at such election one of said ballots shall be handed such voter by the judge of election.

452. Canvass of Vote.

SEC. 4. At the close of the polls it is hereby made the duty of the several boards of election to canvass on the county tally sheet the ballots cast upon said question, and the number of votes given for or against the calling such convention, and such vote shall be canvassed by the county board of canvassers the same as the votes for candidates are canvassed by such board, certified to the clerks of the circuit court, respectively, upon certificates to be furnished such inspectors and board of canvassers, with the other election supplies.

453. County Clerks—Make Returns.

SEC. 5. It shall be the duty of the clerk of the circuit court throughout the state to certify and make return of all votes given for or against the calling of such convention, and also all the votes that were given at such election, to the secretary of state in the same way and manner that votes for governor are required by law to be certified, and such clerks shall be subject to like penalties for a neglect of duty. It shall be the duty of the secretary of state to lay before the next general assembly all the returns received by him pursuant to the provisions of this act, and also to certify the total vote at said election and the vote for and against the said question to the governor.

454. Notice of Election.

SEC. 6. In the notice of said general election to be held

in November, 1914, shall be included a notice to the electors that the polls will be open for the purpose specified in this act.

455. Decision of Voters—Proclamation.

SEC. 7. If a majority of the electors voting at such election shall be in favor of calling a constitutional convention, then a constitutional convention shall be held in the State of Indiana under the provisions of this act, and if such proposition shall so carry, it shall be the duty of the governor to issue his proclamation that said proposition has carried.

456. Election of Delegates—Special Election.

SEC. 8. If said question shall carry, then and in that event a special election shall be held by the qualified voters of the State of Indiana on the first Tuesday after the first Monday in March, 1915, at which shall be elected delegates who shall constitute a convention for the purpose of making such amendments, alterations, and changes in, the present constitution of the State of Indiana, or the making of an entirely new constitution for the State of Indiana, as such convention may deem proper, and which new constitution or amendments to the present constitution shall be submitted to the vote of the people of the State of Indiana to be by them ratified or rejected.

457. Number of Delegates—Apportionment.

SEC. 9. The convention shall consist of a number of delegates equal to the whole number of the members composing the senate and house of representatives of this state, and shall be apportioned in the same manner that members of the general assembly are apportioned at the time of such election; they shall be chosen in the same method and by the same electors as choose the general assembly, and all persons entitled to vote for delegates shall be eligible to be elected to a seat in the convention.

458. General Election Laws to Govern.

SEC. 10. That said election shall, in all respects, be conducted, held, canvassed and certified in manner and form

as now prescribed by law for the election of members of the general assembly, and all laws regulating elections and prescribing penalties for the violation thereof, so far as the same are applicable, shall be in force in said election of delegates the same as are provided by law in the case of election of members of the general assembly.

459. Contest—How Decided.

SEC. 11. In case of a contest or dispute in the election of delegates to said convention, the contesting candidate or other person contesting said election shall pursue the same course and be governed by the same rules and regulations as are now provided by law in case of contested or disputed election of senators or representatives of the general assembly of this state.

460. Candidates—Non-Partisan.

SEC. 12. No political party shall be permitted to nominate candidates for delegates to such convention. All nominations for delegates to such convention shall be by petition and any voter shall be permitted to become a candidate as such delegate by filing a petition to that effect, signed by one hundred voters of the district in which he proposes to be a candidate. In all other respects such petition shall be governed by the provisions of the general election governing petitions for nomination of candidates to the general assembly. All candidates for delegates to said convention from the same district shall be printed in the same column and in alphabetical order according to the surnames of the candidates.

461. Date of Convention—Organization.

SEC. 13. Delegates, who shall be elected as aforesaid, shall assemble in convention at the capitol in the city of Indianapolis on the first Monday in May, 1915, at 12 o'clock noon and organize by electing a president and all other necessary officers. It shall be the duty of the secretary of state to attend the convention on the convening thereof; to call over the lists of districts and counties; receive the credentials of delegates, and, generally to perform the duties of the organization that are usually discharged by the officer

whose duty it is by law to attend to the organization of the house of representatives of this state at the commencement of its session; and should the secretary of state fail to attend in person or by deputy at said hour on said day, then it shall be the duty of the auditor of state to attend for such purpose. The custodian of the state house shall properly prepare the hall of the house of representatives for the use of said convention.

462. Oath of Office.

SEC. 14. Delegates, before entering upon the discharge of their duties, shall each be duly sworn or affirmed to support the constitution of the United States, the constitution of the State of Indiana, and honestly and faithfully perform the duties of said office; such oath or affirmation may be administered to them by any judge of the supreme or appellate court.

463. Powers of Convention.

SEC. 15. Members of said convention shall enjoy the same privileges and immunities in going to, attending upon, and returning from said convention that the members elected to and attending on the general assembly are now entitled by law. Said convention shall be the judge of the election and qualification of its members; it shall possess the same power to adopt rules, expel a member for disorderly conduct, and punish contempt, that are now exercised by the house of representatives of the general assembly in similar cases. A majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and take measures to compel the attendance of absent members.

The members and officers of said convention shall be entitled to the use of the state library in the same manner and upon the same conditions that members of the general assembly are allowed the use thereof.

464. Vacancy—How Filled—Per Diem.

SEC. 16. In the case of a death or resignation of any member of the convention, the governor of this state shall issue an order for a special election to be held to fill such

vacancy in the same manner as now prescribed by law for supplying vacancies in the general assembly of the state. The members of the convention shall receive the same mileage while attending upon the sitting of said convention as members of the general assembly are allowed by law and they shall receive a per diem of ten dollars per day, and all the officers, employes and attendants shall be paid the same compensation as like officers, employes and attendants of the general assembly of this state are paid for similar services; all of which expenses, together with such other expenses as may be incurred by said convention, shall be certified by the president of the convention, and shall be paid by the treasurer of state out of any fund not otherwise appropriated, on the warrant of the auditor of state. Said convention shall not remain in session longer than one hundred and eighty (180) days, Sundays excepted.

465. Records and Document—Convention Entitled To.

SEC. 17. The secretary of state and all other state officers shall furnish said convention with all such papers, statements, statistical information, copies of records or public documents in their possession as the convention may order or require and it shall be the duty of the proper officer or officers to furnish the members of said convention with all stationery as is usually furnished the general assembly while in session, which shall be paid for on the certificate of the president, in like manner as provided in the preceding section.

466. Enrolled Constitution—Where Filed.

SEC. 18. The enrolled copy of the constitution or amendments adopted by said convention, and the proceedings of said convention, shall be deposited by the president and secretary thereof in the office of the secretary of state, who shall file the same, and cause said constitution to be entered of record in his office; and said convention may submit one or more amendments or one or more sections of the proposed constitution, as distinct propositions, to be voted upon by the people separately or together, as to the convention seems expedient. Said convention shall have power to fix and prescribe the time, form and manner of submitting any amendments or new constitution to the electors of

the state for their adoption or rejection and for such purpose said convention is given power and authority to call a special election of the electors.

467. Duties of Governor and Secretary of State.

SEC. 19. It shall be the duty of the secretary of state, so soon as such enrolled proposed constitution or amendments is [are] recorded in his office, to deliver to the governor of the state, a certified copy thereof, who shall, on the meeting of the general assembly of this state at its next session, following such convention, lay the same before them; and it shall be the duty of said general assembly if such constitutional convention has failed to submit its work to the people for adoption or rejection, to pass all laws necessary and proper for submitting the same to the qualified voters for their approval or rejection and also for organizing the government under the amended constitution, in case it shall be adopted and ratified by a majority of the voters voting thereon, at the election to be held for that purpose. It shall be the duty of the secretary of state to immediately cause ten thousand copies of this act to be printed and distributed to the clerks of the circuit court of the state of Indiana in proportion to the population of the several counties; said clerks shall cause the auditor of the county to deliver one or more of said copies to each inspector of elections in said county, and the clerks shall certify to the sheriff that the delegates are to be elected and the sheriff shall give notice of said election in the same manner as now provided by law as to the election of members of the general assembly of this state.

468. Election Commissioners—Duties.

SEC. 20. All ballots and blank forms for the holding of such election and all other forms and blanks that will be necessary to carry out the provisions of this act shall be prepared and furnished in the same way that like forms, blanks, etc., are prepared and furnished for elections and for the use of the general assembly by the proper officers, and shall be paid for in the same manner. All election officers shall receive the same compensation as now provided by law for similar services rendered at general elections.

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